

the fact remains that there are people who are interested enough and who are prepared to do it, especially when they have a specialised knowledge of and interest in a particular subject. Are we not entitled to that? That is all I am asking.

I congratulate the member for Morley on the way he introduced the motion. The Minister for Labour and Industry derided him for not taking long enough to do it. The same man has derided the member for Morley because he has taken too long to introduce a motion. There was not a wasted word in this House until the Minister for Labour and Industry spoke. I congratulate and support the member for Morley.

Debate adjourned, on motion by Mr Carr.

House adjourned at 11.02 p.m.

Legislative Assembly

Thursday, the 12th August, 1976

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): For the information of the House I have to advise that questions will be taken at a later stage of the sitting.

BILLS (3): INTRODUCTION AND FIRST READING

1. Forests Act Amendment Bill.
Bill introduced and read a first time by Mr Ridge (Murrumbidgee Forests), and read a first time.
2. Settlements Control Bill.
Bill introduced and read a first time by Mr O'Neill (Murrumbidgee Works), and read a first time.
3. Long Services Leave Amendment Bill.
Bill introduced and read a first time by Mr Harman, and read a first time.

VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS BILL Second Reading

MR OLD (Katanning—Minister for Agriculture) [2.24 p.m.]: I move—

That the Bill be now read a second time.

Since 1953, all veterinary medicines available for open sale to the general public have had to be registered under the provisions of the Veterinary Medicines Act. This Act lays down conditions governing the registration of such products in respect

of labelling, conformation to stated formulation, sale, description, and storage. The Act also provides for an advisory committee to consider the acceptability of products for which registration is sought.

The registration of feeding stuffs for sale as stock food under the provisions of the Feeding Stuffs Act dates back to 1928. This Act enables standards to be set in relation to the composition of stock foods offered for sale, and lays down requirements for chemical analyses, registration, labelling, and sale of feeding stuffs. It also provides for inspectors to enforce the requirements of the Act.

These two Acts have in the main operated independently although interactions have become increasingly frequent in recent years; and as some veterinary medicines are also used as feed additives, primary dealers have had no option but to register such products under both Acts. This changing situation was the basis of the initial impetus that led to the proposal to amalgamate the two Acts.

The Bill provides therefore for—

The repeal of the Veterinary Medicines Act, 1953-1963, and the Feeding Stuffs Act, 1928-1951, and the updating of the legislation in these Acts in relation to veterinary medicines and animal feeding stuffs;

The inclusion in the registration process of all veterinary preparations whether these are for open sale or for sale only by veterinarians or by prescription through chemists;

The evaluation of each veterinary medicine or feeding stuff in respect of possible harmful effects particularly in relation to adulterants, additives, impurities, and pesticides that may be present as contaminants;

The registration of premises where registrable products are produced as a means of safeguarding against the contamination of these products and of ensuring that a product is as effective, potent, and safe as it is claimed to be;

The establishment of an advisory committee, with industry representation, to advise the Minister on all matters relating to the control, registration, sale and production of veterinary preparations and feeding stuffs;

The appointment of a registrar responsible to the Director of Agriculture for implementing the detailed requirements of the legislation;

The appointment of inspectors; and the setting of standards for packaging, labelling, advertising, and warranty in respect of veterinary preparations and feeding stuffs;

I commend the Bill to members.

Debate adjourned, on motion by Mr Skidmore.

DOG BILL

Second Reading

Debate resumed from the 11th May.

MR T. D. EVANS (Kalgoorlie) [2.27 p.m.]: The Bill before the Chamber can rightly be called a code to encompass the law in Western Australia relating to the keeping, the management, and the control of dogs. The Bill appears to have been around for a long time, and although it bears the date of 1976, its contents are only slightly different from those in the Bill introduced in this Chamber only last year.

While some people may regard dogs as pests, it appears that most people hold the belief that a man's best friend is his dog. So whenever a society has sought to legislate for the control, management, and keeping of dogs, conflict has always arisen between those who keep dogs and those who endure them rather than enjoy them.

The history of the parent legislation is a good indication of the conflict that has occurred since the enactment of the first dog legislation. It appears that one would have to be a Solomon to devise a piece of legislation in this area which would meet with the approbation of all parties concerned. I believe the Minister for Local Government is due for some commendation on the patience he has demonstrated. As I said earlier, he brought a Bill before Parliament last year and then he allowed good and ample time to pass before introducing another Bill and having it debated.

In 1973 the Minister for Local Government in the Tonkin Government was responsible for the establishment of a committee to review the existing Act.

That examination indicated that a patchwork approach would be no more successful than the parent legislation had been, and that a new approach should be adopted. That new approach appears now to have been adopted.

Again I emphasise that the holding-over of the Bill to enable objections to be made by the community, thus enabling community involvement, has been a very good feature of this legislation. This is the type of approach that will engender a greater respect, understanding, and appreciation of government; and if it were practised more often people may come to accept the fact that what we are trying to achieve is, in fact, public involvement, community involvement, or open government.

However, notwithstanding those remarks, since the Bill became a public document certain stirrings have occurred in the community on the part of interested groups. I have before me a letter from the Gun-Dog Club of Western Australia (Inc.) regarding the proposed Act. I do not intend to read the whole letter, but I believe the third paragraph is worthy

of incorporation in *Hansard* because it sets out the appreciation of this responsible body of the motive behind the legislation as a whole; and it then seeks to indicate where the club believes some amendments should be effected. I quote as follows—

It is recognised that the Bill has been introduced to alleviate many problems, not the least of which is the nuisance caused by stray dogs and dogs which are not under control. We support firmly all the provisions in the Bill designed to bring tighter controls over this problem and would point out that there is evidence to support the contention that it is not the dogs of the breeders and exhibitors that contribute to this problem but the dogs which are owned and kept as family pets. Show dogs are just too valuable to be allowed to roam the streets. At present many small dog exhibitors and competitors keep more than two dogs in residential areas and have done so for many years, often with local authority approval, without kennel licenses and without causing a nuisance to their neighbours.

The final part of the letter refers to recommendations made by this club, and I would be pleased to hear from the Minister, when he replies to the debate, as to whether he intends to seek amendments to the printed legislation before us in order to accommodate some of the recommendations put forward by this body—and, of course, there must have been others because other representations have been put before me.

This is, basically, a Committee Bill, and I believe that a great time has been afforded to the public to speak to this measure. At the debating level, it would be prudent for part of the Minister to allow a week to elapse to enable members of the Minister—who have made objections, recommendations, suggestions, to place amendments on notice paper which might be considered in Committee.

I refer now to the recommendations of the Gun-Dog Club of Western Australia. I will not read out all of them, but those I believe are pertinent and worthy of consideration.

Mr Rushton: I think you will find some of those are already in the Bill.

Mr T. D. EVANS: The ones I will mention are those which in my view are not incorporated; that is why I suggest that even at this late stage consideration should be given to amendments to the Bill before the Chamber. The fifth recommendation of the Gun-Dog Club of Western Australia refers to the council of a local authority and states that the council should satisfy itself that a nuisance exists

before serving notice on dog owners for abatement. I can see no provision in the Bill to say that a council must satisfy itself in such an instance.

The eighth recommendation of the club refers to supervision, and says that supervision of council administration of this Act should be undertaken by a State Government department. It is often said that too much power in the hands of one man, one body, or one organisation can be as dangerous as too much wine in the head of one man; and I believe that if there is a fault in this Bill it is that too much power appears to be given to local authorities, with no-one to supervise how that power is to be exercised.

This becomes demonstrably clear in those provisions of the Bill relating to seizure, detention, and possibly destruction of dogs. Once a dog has been destroyed, particularly in one instance where the opinion of a medical practitioner or the local health surveyor is not required, the deed has been done and it can only lead to recrimination on the part of the aggrieved owner of the dog. Therefore, I believe that recommendation of the Gun-Dog Club of Western Australia should be considered and that supervision of council administration of this Act should be undertaken by a State Government department.

Coming closer to my electorate, the Eastern Goldfields Kennel Club indicated in February of this year in *The Kalgoortie Miner* that it wants the proposed Dog Act to be changed. I recommended to the club that it should ventilate its views in a letter to the Department of Local Government, as well as putting them in *The Kalgoortie Miner*. The Eastern Goldfields Kennel Club wants changes to be made to the proposed Act to make it easier for club members to breed dogs, presumably show dogs. I will not dwell on this point apart from using these instances to justify what I believe could be a further time lapse of at least a week after the second reading debate has been concluded, in order to enable members to process, consider, and assess the views put forward in the debate and to place desirable amendments on the notice paper if they feel that is necessary.

On the 25th February a comment of mine relating to this Bill was published in *The Kalgoortie Miner*. I made my comment in the hope that the attention of the community as a whole would be drawn to what this Bill seeks to do. In part, the report of my comment in that newspaper reads as follows—

Mr. Evans said yesterday there were some good improvements on the old Act but he felt a number of clauses were harsh.

One of these said that where premises were occupied by more than one person, unless the contrary was

proved, each of those persons should be deemed to keep and be the owner of the dog.

This would cause problems in such places as boarding-houses, Mr. Evans said.

I am still of the same opinion, unless the contrary is proved.

As a lawyer, I believe there are very few cases when the onus of proof should be imposed upon the person who wishes to assert his innocence. The onus of proof should always be on he who asserts guilt upon another.

I do not feel it is incumbent upon me to give an account of what the Act seeks to do. I have indicated that in many respects it is a vast improvement on the old Act. Those provisions of the existing law which refer to the seizure, detention and destruction of dogs leave much to be desired because, locally speaking, the enforcement of the provisions—if the dog were unregistered—would depend upon the by-law of the particular local authority. The number of hours for which a dog could be detained appeared to vary from between 24 and 48 hours, depending on the local authority by-law. In that respect, this measure is an improvement on the old legislation.

In some instances, it provides that a dog which has been seized will have to be detained for at least 72 hours after which, under certain circumstances, the dog can be destroyed. I believe this is a distinct improvement on the existing legislation.

I refer now to clause 29 of the Bill, which relates to the seizing of dogs. Where a dog wearing a registration disc is detained, or the owner is otherwise readily identifiable, the authorised person causing it to be detained shall also cause notice to be given to the owner in the prescribed manner as soon as is practicable. In addition, the dog shall be detained before any other action is contemplated for a period of 72 hours following the service of the notice upon the owner. This is a commendable provision. In addition, clause 29 (12) states—

Where it is the opinion of an authorised person that a dog seized pursuant to this section is suffering from injury, disease or sickness to such an extent that it is impracticable to maintain the dog, or that any such disease is of a contagious or infectious kind, he may cause it to be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner or Health Surveyor.

In this special instance, such a provision should be accepted by the community as a whole—even by the most ardent dog lover—principally because it provides the

precaution of requiring back-up evidence to support the opinion of the apprehending officer.

However, there is another part of this clause which I do not like and of which I am very strongly critical, because it lacks this precautionary measure. Clause 29(13) states—

Where a dog is found wandering at large and by reason of the savagery of that dog, repeated evasion of the attempts at seizure, or other sufficient cause it is, in the opinion of an authorized person, dangerous or impracticable to seize the dog, the dog may be destroyed without being seized . . .

Members will note that the first condition relates to the savagery of the dog, and that the second condition, which need not necessarily be related to the dog being savage, is the repeated evasion of the attempts at seizure. The final condition relates to "or other sufficient cause" and again could be a completely independent circumstance. No mention is made of any back-up evidence from an objective witness, such as a veterinary surgeon, a medical practitioner, or a health surveyor.

I believe this provision to be questionable, particularly where it refers to abortive attempts to capture a dog. The dog in question may be a young frolicsome puppy, and the authorised officer may be slow in step, weary in limb and long in the tooth. He may fall on more than one occasion to capture the dog and he may not be able to determine whether it is carrying a registration tag, or whether the owner is identifiable. He may then come to the conclusion—which need not be tested against anybody else's opinion—that it is impracticable to capture the dog, and it may then be destroyed.

I have spoken to the Minister on several occasions about this provision, and I should like him to reconsider that part of the clause which empowers an authorised officer to destroy a dog merely because of the abortive attempts to capture it, and that he need not be required to obtain the back-up evidence of a medical officer, veterinary surgeon or health surveyor. This provision is destined to perpetuate the recriminations which have occurred under the existing law relating to the seizure and destruction of dogs.

Mr Rushton: You are happy with that part of the clause relating to savagery, are you not?

Mr T. D. EVANS: Yes, but I am unhappy about the power to destroy being granted merely because of abortive attempts to capture a dog. As I say, we could have the situation where the apprehending officer is not as spry as he necessarily should be in order to match the stealth of the dog.

Mr Sibson: Perhaps he should wait until the dog gets old.

Mr T. D. EVANS: That might be a good idea.

I wish to make one or two other comments in regard to the Bill which normally I would reserve for the Committee stage. I should like the Minister when he replies to give me a considered opinion as to the meaning of clause 50(1)(c), because I do not understand what it means. I think it is a draftsman's dream! Clause 50 provides for any uniform general by-law or other by-law to be made in certain cases, and paragraph (c) states—

so as to provide that in specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things or a class or classes of persons or things may be exempted from its provisions either wholly or to such extent as is specified;

I do not know what that means, unless it is an open cheque to a local authority to make a by-law which disregards the entire Act. It is just so much verbiage. We should seek and aim for precision in our legislation, and we should not in any way offer an open cheque to any local authority to make such by-laws which might have the effect of discarding the entire Act.

Finally, I draw attention to paragraph (d) of the same clause. I object to this paragraph because it appears to provide for the local authority to impose a modified penalty—most of the penalties specified are \$100 in the first instance—upon a person who pleads guilty to an offence under this Act. Certainly, the person cannot be fined more than is provided for under the Act, so we can only assume that a "modified" penalty is a reduced penalty. But if he pleads guilty he becomes eligible for a penalty less than that specified in the Act.

I think it is wrong that local authorities should be given this discretion to vary penalties set down in the Act. If there are penalties they should be standard. It may be that one local authority will adopt a modified penalty which may be less than that adopted by another or that adopted by the Act.

Where Parliament sets these punitive measures they should be standard throughout the Act and should be adopted. Local authorities do not exercise judicial discretion as magistrates do when Parliament sets a maximum and allows judicial discretion to be exercised. No Act of Parliament gives local authorities that discretion. A provision that appears to me to enable them to adopt a modified penalty in the case of a person who pleads guilty could be putting a carrot in front of that person as much as to say that he shall get a lesser fine than if he challenged in a court.

Mr Rushton: This is to accommodate the on-the-spot fine?

Mr T. D. EVANS: Yes. I hope the Minister will have a look at that. Not only must justice be done but it must also appear to be done. In my view that sort of provision is objectionable. With those remarks I indicate general support of this measure by the Opposition.

MR A. R. TONKIN (Morley) [2.52 p.m.]: Very briefly I should like to comment that I believe this Bill is long overdue and is very desirable. There is a plague of dogs in the community. I have two dogs at home but they are kept behind fences. I believe people have a right to keep dogs, but they should not allow the dogs to destroy the peace of mind of other people.

Unfortunately, local government has not been prepared really to accept its responsibilities to the full. I am only hopeful that the local governing bodies will be prepared to accept the responsibilities that they will incur as a result of this Bill, because time and time again one gets complaints and it turns out that no real action is being undertaken.

I understand that at one stage the Shire of Bayswater introduced by-laws to the effect that if one had a dog one had to have a fence. I think that is a fair and reasonable provision. It is not good enough for a person to say, "If you can catch the dog you can prosecute me", because it is fairly hard to catch dogs. There should be a provision for people to show that if they are going to keep dogs they will see to it that the dogs do not become a menace to other people; and they do become a menace in various ways.

I am hopeful that this Bill will tighten up the whole matter because there are many people who are not dog haters but who are constrained very often to take action when dogs become unbearable.

There is one part of a clause which I believe should not be in the Bill. The Opposition has discussed this matter in committee. I refer to subclause 7 (3) (d). Of itself that subclause does not do a great deal but it indicates something that I think is sick in our society. It states—

- (d) a pack of not less than ten foxhounds *bona fide* kept together in kennel exclusively for the purpose of hunting, and registered as a pack in lieu of the separate registration of each hound.

I believe no civilised community should regard a blood sport as a sport. I believe it may be necessary at times to destroy vermin because it is them or us. I have every sympathy with the farmer who finds it necessary to shoot kangaroos or emus or to take action against rabbits because otherwise he will be destroyed by them. There is no question about that. So I am not being unrealistic in this respect.

But to try to dignify by the word "sport" the killing of a creature in a very cruel and barbaric way and for people who do

so to say they have fun is a very sick admission. I knew a doctor in a country area who used to get a great deal of fun out of harpooning Aboriginal children when they came to him for injections. He also got a great deal of pleasure out of shooting stray cats. He thought it was extremely funny to see the death agonies of those animals. To me that is really sick.

For anyone who loves life and who knows what life is all about to take any joy out of hunting and killing animals I believe shows a very severe psychotic disturbance. It is wrong to call it a sport. To go out shooting kangaroos is not a sport unless the kangaroos also have rifles. Then it is fair. Who would suggest that it is sport for grown men to play football against six-year-olds? It is obviously so uneven that it is not a sport at all.

I believe that in a civilised community, which I hope Australia will one day become, there is no place in the laws of the land for provision for an alleged sport from which people get satisfaction out of the killing and maiming of animals which have committed no crime except being born into this world. They were created by God, if one is a believer in God, just as we were created by God.

I emphasise once again that I am not saying that in sincere self-survival it is not necessary to take action against what we call vermin because otherwise the farmer will lose his complete crop. In other words, that is a question of war between two species for survival. I am not talking about necessary action to keep down a pest. I am talking about people who get pleasure from, and who claim that it is a sport, to hunt, to kill and to maim God's creatures. I do not believe that such a provision should be in any Act of Parliament in any civilised country.

MR SKIDMORE (Swan) [2.58 p.m.]: I want to make a small contribution to the debate on the Bill before the House because I have been approached by several people in my electorate once again about the obvious inability to press for active control of what I refer to as the dog menace. I have my own feelings on this issue and I shall return to those towards the conclusion of my remarks. In his second reading speech the Minister said—

... the process has been a long and exhaustive one and it is my belief that everything reasonably possible has been done to produce worth-while legislation. I believe that the provisions of the Bill represent the best possible balance between the sometimes conflicting principles that people should be entitled to own and enjoy the ownership of dogs, and the need for adequate control of dogs.

Generally speaking I have a point of view on the question of dogs being kept in residential areas and I am pleased to see that the proposed Act will place limitations

on the number of dogs that can be kept in a residential area. I am a little hesitant to accept that the young of two dogs kept in a residential area should be allowed to stay in that residential area for three months. However, that would be contrary to views expressed by other people who have written to me. On this issue I find myself at sixes and sevens in trying to analyse what they want and trying to ascertain whether this Bill provides for it. I ask myself: Is it restrictive or is my attitude wrong? I find of course that there is a very wide divergence of opinion. I have a letter from one gentleman who felt that the Bill would penalise the wrong people.

I am a little inclined towards that line of thinking. It is true that people who breed show dogs and other types of dogs act in a very reasonable and responsible way. Because of the value of the dogs they breed they do not allow them to run loose in the streets. They keep their kennels located in residential areas clean. They control the dogs.

I have had a visit from two gentlemen who informed me that dogs, having been set to routine feeding, are able to remain quiet. They do not disturb the quietness of the surrounding area. One of them went on to say that stray dogs are a menace, and something should be done about them; however, to restrict and harass people who do their best to keep their dogs in their backyards is rather unfair.

I suggest it is totally unfair; but we have to take into account the odd occasion when dogs escape. I am sure we can all imagine what could happen in those circumstances. It is not possible to prevent such occurrences at all times, just as it is not possible to prevent small children from climbing over a fence to get into a swimming pool. We have looked at the possibility of safeguarding children by requiring the owners of swimming pools to erect fences around them, but despite this accidents still occur. Similarly the erection of a fence around a property does not mean that a dog confined in that property will not be able to escape. In his letter a constituent of mine said—

I think the Act should be directed entirely in the area where the problem lies—the streets. Heavy fines should be imposed for dogs caught more than once wandering the streets. I also think the dog catchers should be on duty in all areas on a regular basis, this would be a constant reminder that your dog may be caught and a fine imposed.

I would imagine the shire councils would be remiss if they permitted their rangers to concentrate all their efforts on dogs. If a ranger did that he would have a full-time job; in fact, I suggest he would be working full-time plus 50 to 100 per cent overtime.

I think the menace of stray dogs will be taken care of by the proposed legislation. I do not go along with the point of view of this gentleman, and I am sure when the Bill is passed it will be the means of controlling dogs which are found wandering in the streets.

To continue with the letter from my constituent—

I believe very serious thought must be given to this Act, because as I said before it will be destroying a very large section of the community interest and depriving them of a life long hobby. After all we have to put up with the noise of motor boats, speed cars, screaming football crowds etc.,—

Where I live I also have to put up with screaming crowds at football matches. To continue with the letter—

—to allow people to pursue their favourite sport and recreation—what sort of a world are we trying to make. People who care about animals are people who care about living in a world which is fast being destroyed by laws depriving a person of enjoyable nature, and the nicer things of life.

When we analyse the thinking of this person we see obviously that his enjoyment is to breed dogs. No doubt he has a close affection with his animals and he controls them. He seems to be upset with the proposed legislation, and he considers it will impose restrictions on him. This gentleman went on to make an analogy—

We see crime being allowed to run riot because we must not upset or punish the young louts who bash, rape, steal and destroy, but if you wish to own a dog, cat, budgie, or grow an apple tree, you must pay heavily.

It is a good analogy. In his candid opinion the position should not be so. In so far as his opinions are concerned I have no reply to make to him personally. I did give him an undertaking that I would bring forward the points he had raised in his letter during the debate on the Bill.

I also had a visit from two gentlemen who are the President and the Vice-president of the Western Australian Terrier Club. They were of the opinion that the Act would not stop the dog menace, or dogs from straying. They also canvassed the views expressed in the letter I have referred to. Responsible people are not the ones who create the problems. These two gentlemen said that responsible people were not being considered sufficiently in the Bill. They pointed out that a selective breeding programme required at least six dogs, and that the progeny from those six dogs would result in a considerable number of dogs being located in the area at a given time. They recognised the fact and felt that the present

limitation on the registration of a kennel would restrict their activities to some degree. They likened their terrier breed of dog to a noisy dog which barked its head off, but they pointed out that a dog which behaved in this way was a reflection on its owner. They said that this breed of dog could be trained and controlled, and as a result they would exhibit a degree of quietness as compared with breeds which were not considered to be so noisy, but which in fact were noisy because they were not trained.

They were of the opinion that registration of all dogs was a necessity. They would be seeking a kennel licence for up to six dogs on an area up to a half-acre. They drew my attention to the fact that in Guildford there was a residential block of a half-acre or slightly more, on which a breeder of terrier dogs had established a kennel. As I understand the legislation before us it will not be possible for that person to obtain a mini kennel licence. I think the half-acre would not be a sufficient area.

Again we have the point raised that certain people who look after their dogs are able to claim without any equivocation that the legislation will restrict their breeding programmes. This is a way of saying to those people, "You have done the right thing in respect of your dogs and kennels, but other people who have not done the same ought to be penalised." We ought to consider that aspect at the Committee stage.

I also received a letter from another constituent of mine who lives in Guildford. The letter states—

My main concern regarding the above proposed Act is the "Two dogs per house" suggestion, irrespective of the size of the dogs. Dogs in the Toy Dog Group, as defined by the Canine Association of W.A. are, most unfavourably, being grouped with dogs the size of Great Danes, Afghans, or Roo dogs.

I can see the ridiculous situation arising where one person is permitted to have six Afghan dogs in his backyard, and another is allowed to have six toy terriers in his backyard. I have my views on the attitude of this constituent of mine, and no doubt members will be able to judge what my attitude is.

The letter continues—

These small pedigree dogs which are kept for showing and breeding, are never allowed to roam the streets, causing annoyance to other householders, fouling gardens, causing accidents by running into the roads, or frightening small children or nervous persons...

This person puts up a very good case as to why she as a breeder of toy dogs should be subjected to a more flexible attitude in the interpretation of mini kennel licences. I am inclined to agree with her, on the

assumption that surely one should take into account the size of the dog, such as a Great Dane compared with a toy dog. So, we have a divergence of opinion.

I feel I cannot be more helpful in bringing forward the views of my constituents because they indicate that a very vexed question confronts people who keep dogs. She goes on to mention her breed of dog which weighs between three pounds and four pounds, or less than the weight of a cat. She points out that being restricted to keeping two dogs of a toy variety, as compared with the larger breeds, is out of all reason.

I did reply to her letter, and said that I would bring forward the points she had raised, and the impositions in the legislation which she considered would restrict her rights as a keeper of dogs.

I suggest we bear in mind the remarks made by the member for Kalgoorlie who stated that we were hopeful that after the second reading stage the Minister would indicate his attitude to the points raised and then give us further time to refer the matter back to our constituents. Then perhaps we could work out amendments which would be acceptable.

This legislation is important to many people. In fact it is as important to some people as the right to keep budgerigars and canaries is to others, including many old-age pensioners. It may be felt that this legislation is not necessary because these animals do not cause a major problem, but the number of phone calls and inquiries I have received in this regard is stupendous. Many people, including pensioners have either a bird or an animal as a companion, and this is particularly so when a person's spouse is deceased.

I find I do not agree with many provisions in the Bill. I have received a letter which indicates a consensus of opinion. However, it is not signed. In essence, it contains much the same thoughts as those conveyed in other letters. One of the comments is pertinent and it reads as follows—

An avenue to control stray dogs, could come from the sterilization of both dogs and bitches sold by breeders as pets, to people who are not registered breeders and exhibitors, all sales should need to be recorded on a certificate of sale in duplicate, which would have to be kept in a safe place, and be available for inspection at any time, by the local shire representative or a member of the canine control responsible for the registration of kennel licenses.

That is not such an unreasonable proposition, surely. At the moment, people can keep a dog or two and when puppies are born, they may take them to a pet shop for sale to anyone who may desire a beautiful fluffy puppy. We all know what occurs when that puppy is six months old

and is no longer a beautiful fluffy pet, but a gangling nuisance dog on the street. It would be much better if such dogs were sterilised and the breeding were left to the dog breeders. Surely we do not want dogs bred indiscriminately.

Mr Shalders: Perhaps that might not be a bad idea for humans too.

Mr SKIDMORE: I do not know whether it would be a good idea in that regard.

The SPEAKER: I am afraid we do not know what the idea was.

Mr SKIDMORE: You would like to know, Mr Speaker?

The SPEAKER: Yes.

Mr SKIDMORE: It was suggested that perhaps humans could be treated in the same way. This would get rid of long-winded legislators which was possibly the idea in the mind of the interjector.

Mr Shalders: That was it exactly.

Mr SKIDMORE: I accept the interjection in the spirit in which it was made.

The SPEAKER: Perhaps it would have been better had I not heard it!

Mr SKIDMORE: In essence the general consensus of opinion of dog breeders is that the legislation is restrictive and should be relaxed, particularly in respect of the smaller lots of land. I agree although I am a little hesitant to do so. Because of the overwhelming support for such an opinion I feel I should agree with it, but I do not know that it really is the same as my own personal view.

In conclusion I would like to refer briefly to a letter I received from a constituent in Bassendean. This constituent is quite adamant in his opinion and writes—

... the Canine Association of Western Australia. (I quote from 'W/A Canine News' of February, 1976) "... are strenuously trying to get permission for all Canine Association members to be allowed to keep up to SIX adult dogs. This does not include puppies under 3 months of age..." !!! I presume that this means that virtually, anyone could keep this number of animals in a residential area.

Many people's lives are already made miserable by ignorant people who keep only one dog and allow it to yap and bark at all hours of the day and night and if my presumption is correct, I dread to contemplate the bedlam which would result if the C/A has its way.

I replied to this person and, with complete frankness, expressed my point of view about dogs. I said it was my opinion that—

(1) No person should have under his control, or housed in a residential area, any more than one dog or bitch.

(2) If a bitch is to be used for breeding purposes or becomes pregnant, the owner should make arrangements for the animal to be placed in a kennel so that the pups will not be born in residential areas.

(3) The disposal of the pups should be carried out from the dog kennel concerned and to the satisfaction of the local Shire involved.

In this way the number of dogs in residential areas would be greatly reduced and the puppies in kennels would be well looked after. The increase in the number of mongrel dogs would be considerably reduced and people would have a responsibility to look after their dogs.

I then went on to indicate that in regard to barking dogs, the disturbance thus created should be abated and if it is not done within a reasonable time the dog should be removed from the premises. The present legislation provides for this.

In a general sense they are the opinions I have to give on behalf of my constituents. My personal view is more restrictive than the legislation allows. As I have already indicated I believe a person should be allowed to keep only one animal. If it is a bitch, it should be placed in a kennel where the puppies would be born and then sold from there. When sold as pets the puppies should be sterilised first. Too many dog owners merely wish to make a quick buck and have little or no thought about the ultimate fate of the puppies they sell.

I hope the Minister will give due consideration to these suggestions made by the member for Kalgoorlie and myself and then give us an opportunity to report his views back to our constituents.

MR FLETCHER (Fremantle) [3.17 p.m.]: Like the member for Swan, I have an obligation to make known the attitude of my constituents in respect of the Bill.

In passing, I might mention that this legislation always engenders a considerable amount of debate when it is before the House. In the main the Bill meets with my approval in that it does attempt to improve a very untidy situation.

I am pleased to note that the legislation had its genesis when the Minister for Local Government in the previous Government asked a committee to examine the Act and make recommendations to serve as a basis for new legislation. Those on this side of the House have the satisfaction of knowing that much of the legislation before us is here as a consequence of the endeavours of members on this side.

On the 11th May this year, at page 867 of *Hansard*, the Minister is reported as follows—

This committee included representatives of several organisations which have a particular interest in dogs; for

instance, the Canine Association of WA, the Dogs Refuge Home, as well as the Country Shire Councils' Association, the Local Government Association, the Police Department, and others. The committee held its first meeting in May, 1973 . . . I believe that the provisions of the Bill represent the best possible balance between the sometimes conflicting principles that people should be entitled to own and enjoy the ownership of dogs, and the need for adequate control of dogs.

I think that is a very worth-while objective. Dogs can be a nuisance. I still do not know whether or not the provisions of the Bill will cover the various points which have been raised by my constituents. Perhaps the Minister will clarify the situation when he replies. It is most likely that the Minister has received much the same correspondence as has been sent to me and to other members.

The first correspondence to which I will refer came from the Town of Cockburn, which is really the responsibility of the member for Cockburn. However, the area does touch the southern extremity of my electorate and that is probably why I was contacted.

The letter to me included a photocopy of a communication forwarded to the Minister for Local Government, and requested my support of proposed changes to the Bill. That letter was written to me on the 3rd February, 1976. The photocopy of the letter sent to the Minister was dated the 30th January, 1976, and stated that the council had perused the Bill for an Act to make provision for the control and registration of dogs. The letter went on—

Reference is made to Section 30 of the Bill and Council is of the opinion that a Clause should be inserted, whereby kennels which are used for the purpose of keeping or breeding dogs, should have a licence similar to a Pack Licence which would provide for the requirement NOT to licence dogs individually in this particular instance.

Council further considers that Section 36 of the Bill should be amended to enable the Executive Officer of Council to make a decision to destroy a vicious dog or one which may be detrimental to health, without reference to Council. It is Council's opinion that the precious time wasted in referring matters of such nature to Council, is not warranted.

I hope the Minister has made some provision in that respect. I noticed recently that a health surveyor shot a dog in a school ground and since I have not heard of any repercussion it seems the health surveyor was legally entitled to take that action.

The next correspondence came from the Gun-Dog Club of Western Australia and was addressed to me. The pertinent paragraph of the letter reads as follows—

Only one main amendment is being sought, namely the introduction of a restricted breeding licence to enable *bona fide* members of the Canine Association, which is affiliated with the Royal Agricultural Society, to keep a restricted number of dogs in excess of the number permitted to be kept by the general public.

On page 2 of the letter it is stated—

The Gun-Dog Club of W.A. provides opportunities for recreation for over 600 people. In order to continue successfully in its various activities, the Club strongly recommends that:

A total of eight recommendations are then set out, the first of which reads—

- (1) Provision be made for a restricted breeding licence for *bona fide* dog exhibitors and those interested in the field sports.

I will not read out each of the eight recommendations because I am sure the Minister already has studied similar correspondence. I ask the Minister to give some attention to the correspondence from the Gun-Dog Club of Western Australia.

It is not my intention to delay this legislation by quoting at length because I am sure we have all received the same correspondence.

The next letter to which I will refer was from my colleague, the Hon. D. K. Dans, M.L.C., within whose province my electorate is situated. I presume he wrote to me requesting my comments in order to assist him in replying to a constituent who had written to him. The letter was from Irene Birkett, and addressed to Mr Dans, and in part reads as follows—

I agree with the New Dog Act, and there are two points to which I should like to draw your attention; one being that there are no amounts of fines to be charged generally for breaking the laws contained in the Bill and for example the Stirling City Council will ask the State Government to increase registration fees for unsterilised dogs to \$20, to combat the city's stray dog problem. Most of the stray dogs in this area, a problem which I hope will be solved in the near future, have no means of identification—so why make other persons innocent of the crime pay these high fees to subsidise persons not fit to own a dog.

Another paragraph reads—

At the present time I am allowed to keep two dogs, but in a litter it is desirable to maybe 'run on' two puppies after the age of twelve weeks in

order to establish the best Show potential. The Law forbids me to do this.

I ask the Minister to give consideration to that particular aspect. The letter continues—

If there is any help I can obtain to ensure that the new Act is aimed at these people who allow dogs to wander, foul other properties and make continuous noise, I would be sincerely grateful, as this is distressing and a bad problem where I live, and I too would like the matter taken in hand, but NOT at the expense of innocent people who are abiding by the laws.

Relevant to that particular point, I replied to the Hon. D. K. Dans as follows—

You forwarded me a copy of a letter of 25th February, 1975, from one of your constituents, relevant Amendments to the Dog Act.

In yours accompanying, you ask for my comment on same.

I think people who really care about dogs, wouldn't permit them to be a nuisance in the community. However, I do think that there has to be some Legislative control over people who don't care.

Some of the latter category live in the vicinity of my own home. There must be a mastiff who starts up the pre dawn Barking Band, Baritones, Tenors, Contraltos and Sopranos, join in. Neighbours want to know what their Parliamentary Member can do to prevent the nuisance. What can I do? I can't even find out whose dog it is that uses my front lawn—not the verge—as a lavatory. By the size of the daily contribution, I suspect something bigger than a Great Dane,...

I concluded that letter by saying that Mr Dans could tell his constituent, in short, that I was all for control.

That is the sort of thing which occurs throughout my electorate. Dogs bark at all hours of the day and night unless they are controlled. As I said, I am all for legislative control.

A lady from your own area, Mr Speaker, wrote to me. I am aware that I could easily have referred her to you but I know you are a busy man.

The SPEAKER: I thought all my constituents were satisfied.

Mr FLETCHER: The letter gave me an opportunity to indulge in a little politicking. A Miss Follinus wrote to me concerning German shepherd dogs and the need for them to be sterilised. She stated that the crux of the problem with regard to German shepherd dogs was the complete

lack of understanding and utter discrimination against the particular type of dog. She asked whether I could do something about that attitude.

On the 12th April, 1976, I replied to Miss Follinus and told her that although my constituency did not extend north of the river I agreed entirely that there was no justification for the discrimination. I further stated—

The Legislation which created the situation was opposed by Members of my political persuasion. It was introduced by the Brand-Nalder, Liberal-Country Party Coalition, mostly on the initiative of the Country Party, who had ridiculous theories that Alastian dogs would leave comfortable homes to marry the Dingo and decimate the sheep and cattle population of this State.

You ask why the Legislation remains in existence. The Government then had the numbers of Representatives in both the Legislative Assembly and Legislative Council, to pass the Legislation. They still have today, so any attempt by my Party to amend the Legislation would, and will be, defeated until we have the numbers.

I remember when the member for Mt. Marshall sat where the member for Maylands is now sitting, and I said how silly it was to think German shepherds would leave the metropolitan area and go to Mt. Marshall to kill sheep and marry dingoes. I still hold that attitude and I do not blame the lady in your area, Mr Speaker, for also taking exception to some of these ridiculous statements. German shepherds are lovable, kindly, domestic dogs despite their huge size.

I would like to commend the member for Morley on his humane attitude in respect of the clause relating to pack dogs. I do not mind Country Party members shooting or running over foxes or destroying them in other ways but I think it is wrong and childish for alleged adult people to get on their horses, don ridiculous clothes—there are no members of the Hunt Club in this House—and allow an animal to tear another animal to pieces. The attitude of the member for Morley shows a side of his character which I like.

Mr Clarko: It is a new one.

Mr FLETCHER: Not because I have to agree with what he said. I think many members opposite and on this side of the House instinctively feel the same way.

Dogs, generally, engender all sorts of thoughts. I will relate one incident to show how we could be too ruthless in our approach to dogs which might transgress to some extent. On one occasion I remember a pensioner's dog leaving the pensioner momentarily and wandering

onto the road in front of my vehicle. I stopped, and the look of gratitude on that man's face will stay with me forever.

Mr Jamieson: If you had not stopped his look would have remained with you forever, too.

Mr FLETCHER: Jokes aside, dogs are a great comfort to many people. Another incident which comes to my mind occurred in my youth, when a neighbour who drank too much would sometimes be found lying in the drain between his home and a hotel. One could not get near him to help him because his dog would not allow it, and when that unfortunate person died the dog would not allow the police into the house because of his loyalty to the man. Those are only two incidents I mention to show that dogs mean a lot to people and people can mean a lot to dogs.

I think this legislation goes a long way towards tidying up some of the untidiness which has existed in the law with respect to the care of dogs. I ask the Minister to take note of the correspondence I have made known on behalf of my constituents and on behalf of the local authority represented by the member for Cockburn.

MR HARTREY (Boulder-Dundas) [3.35 p.m.]: I rise to note with a degree of amusement and also satisfaction that clause 4 of the proposed new Act alludes to a number of Acts which are to be repealed. I think it is proper for one to comment favourably on the repeal of the Dog Act Amendment Act, 1928. I was delighted to think this remarkable piece of English is now going to be expunged from the Statutes, but unfortunately I find a piece of English which is almost as good has been placed in this Bill.

Section 4 of the Dog Act Amendment Act, 1928, reads as follows—

It shall be lawful for the owner or occupier of any field, paddock, yard, or other place in or on which any sheep or cattle are confined or depasturing, or any person not being an aboriginal or half-caste, except with the consent of the nearest Protector of Natives acting under his authority...

Can anyone tell me what that means? It means that the owner of a field or farm may have sheep and cattle depasturing on it. He may also have persons not being Aborigines depasturing on it except with the consent of the Protector of Natives acting under his authority. They do not need his consent but they must have his authority. Has anyone ever seen a better piece of jargon than that? I nearly broke up a legal convention in Brisbane by quoting that.

Mr O'Neil: It is probably a provision which was amended in Committee.

The SPEAKER: I suppose it has some relevance to the Bill before us.

Mr HARTREY: It has, Sir. I am going to compare with it a portion of the Bill. There is only one other piece of Statute law which equals it; that is, section 53 of the old Mines Regulation Act, 1906 which provided—

Every person... who removes any part of the mound or dump at the mouth of any such shaft so as to lessen or destroy its usefulness in protecting persons and animals from falling into such shaft without the consent of the Minister...

That provision remained in the Act from 1906 to 1946.

Mr McPharlin: It was a legal practitioner who framed that Act.

Mr HARTREY: What kind of practitioner was it who framed this Bill? Clause 50 on page 39 states—

Any regulation and any uniform general by-law or other by-law may be made—

Paragraph (c) of that clause, on page 40 of the Bill, states—

so as to provide that in specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things or a class or classes of persons or things may be exempted from its provisions either wholly or to such extent as is specified;

How do we exempt a "thing" from an Act of Parliament? We can provide that an Act shall not apply to a certain thing but how can we exempt a thing from an Act of Parliament? And what is the meaning of the words "specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things"? I do not know who wrote that piece of gobbledygook.

What is the good of repealing section 4 of the Dog Act Amendment Act, 1928—in the interests of purist language—and substituting rubbish like this?

MR JAMIESON (Welshpool—Leader of the Opposition) [3.40 p.m.]: When we start to talk about dogs we run into a great deal of emotionalism and stories of the problems of individuals. However, most people seem to regard this matter as someone else's responsibility and not their own. For many years local authorities have been requesting greater coverage in regard to the control of dogs whilst at the same time having absolute authority to do exactly what they want someone else to do. If that sounds as double-dutch as some of the information just given to us by the member for Boulder-Dundas, it was not intended to be. However, it is apparent from reading the previous Act we now propose to have superseded, that coverage was complete if local authorities desired to use it.

I would like to give an example of this. Section 23 of the present Dog Act prescribes the penalty for owners of dogs which attack, and it commences—

If any dog rushes at, attacks, worries, or chases any person or any horse, cattle, sheep, poultry, or any domestic animal, other than those trespassing, the owner of such dog shall be liable to a penalty not exceeding forty dollars.

And the section goes on to say—

When a dog has actually bitten any person the court or justices, in addition to inflicting a penalty, may order that such dog be destroyed forthwith, and may give all necessary directions to make such order effective.

The fact that such dog was, immediately before the rushing at, attacking, worrying, or chasing, in company with and had been seen closely following the person complained of, or issued from the premises occupied by such person, shall be *prima facie* evidence that the person so complained of is the owner of such dog.

Then in section 35 which covers the regulations, we find set out the powers which local authorities may exercise. Paragraph (g) reads—

imposing as an absolute prohibition an obligation on the owner of any dog that the dog shall not enter or be in—

- (i) such places as may be prescribed, in any circumstances whatever; or
- (ii) such places as may be prescribed, unless on a leash held by a person.

That gives absolute authority for local authorities to control dogs throughout their districts if they so desire. Of course, many local authorities have appointed dog catchers, but then run into all sorts of problems. If a local authority receives a complaint from a school that stray dogs are causing a problem, a dog catcher is sent along to investigate. Usually it follows that the local authority is contacted by irate dog owners who say that dogs were taken off their leashes and put into the dog cart. Once emotionalism comes into an issue, all the problems associated with that emotionalism tend to make the problem insurmountable.

There is an old saying, "You can get away with kicking a person's wife, but kick his dog, and you are always his enemy." I do not know whether that saying still holds, but there is some truth in it. The whole community thinks badly of someone who ill-treats his animal, no matter how much the animal may have ill-treated the owner during its lifetime.

Because of this atmosphere surrounding the subject, we must be very careful. However, at the same time we must respect

people's rights to move around the community without being frightened or set upon by an animal which may or may not intend to bite them. We often hear dog owners say, "Of course his bark is worse than his bite." But, it is difficult to judge this and one may be bitten in the meantime; so usually one does not take the risk.

Mr Speaker, you have canvassed many dwellings and I am sure you know the feeling when the hair on the back of your neck stands up after you have heard a sudden rush from under a house. You do not know whether the dog intends to bite you or just bark at you.

We now must face up to completely new legislation to try to overcome a problem which, as I clearly indicated, could have been overcome by using legislation already on the Statute book, and legislation which should have been used in many cases.

Sitting suspended from 3.45 to 4.04 p.m.

Mr JAMIESON: Before the afternoon tea suspension I clearly indicated that in my opinion the original Act probably contains enough power to do all that is necessary, but all that is necessary is not being done because of the great Australian pastime of buck passing. Now we have before us this consolidating Bill, and it is to be hoped it will be used effectively to control the problem that is now becoming more and more evident.

When one starts to talk about people's dogs and to say they are pests, one runs into a lot of flack from those who can see no wrong in their dogs just as others can see no wrong in their children. But it is a fact, of course, that we have the problem of dogs running wild in streets and on reserves which are supposed to be for the purpose of recreation, with all the associated mess caused by defecation and urination. These animals are no less messy than would be the case if human beings caused the same nuisance.

As a consequence, I feel it is high time people were made to accept their responsibility, despite the fact that it might be obnoxious to some of them who think they should not be made to restrain their pets and to confine them to their own yards, and to clean up after them when they make a mess outside their yards.

I know that a great place to visit, particularly for families with young children, is the river beach in Peppermint Grove. However, Mr Speaker, it seems your constituents in Peppermint Grove have the biggest dogs which make the biggest mess I have ever seen. They can effectively spoil a pleasant day, especially when one finds a messy heap on top of one's folded shirt. The Peppermint Grove local authority is one of the few authorities that does not have a regulation prohibiting dogs from beaches. But even where dogs are prohibited from beaches and there are

signs as large as life displaying that fact, we still see people taking their dogs for a run on the beach.

That is not good enough. Laws are made for a purpose, and in this case one of the purposes is to ensure that this pollution nuisance is not caused by dogs. People just have to appreciate that they have a responsibility to their dogs, just as they have a responsibility to themselves in regard to necessary fundamental activities. We are aware that sometimes the course of nature causes problems, but on the other hand we would not stand for other animals making this mess. We would not stand for pigs making a mess about us; we would say that is offensive and is contrary to the Health Act. We would not allow cows to despoil a beach; that would be beyond the pale. However, it seems that one can take a dog, which is almost as big as a cow—as in the example to which I referred in your electorate, Sir—along to a beach and allow it to despoil the area and spoil the fun of other people.

I suggest people must look to their laurels and be responsible. Some years ago when the Alsatian Dog Act was introduced, ear-branding of these dogs was required. I went out to the Department of Agriculture to see the officers branding the animals, and I was told that was about the only time veterinary officers were able to appreciate fully how pets of a particular breed were looked after. They said only about 5 per cent of the Alsatis presented for ear-branding at that time were properly cared for; the rest were either overfed, underfed, or not properly cared for in some other respect.

The German shepherd is a fairly expensive animal to buy, and as my colleague points out it is expensive to keep; yet despite that these dogs were not being looked after properly. If one checked up on the mongrels and cross-breeds in the community one would probably find the percentage would be less; probably about one in every 100 is being properly cared for. Of course, the public might react quickly to my comment and say, "That is not the case", but I am citing the only instance in which observations have been made, and if we were able to compile a complete dossier probably we would find that very few dogs in our community are properly looked after.

In that regard, it becomes the responsibility of legislators to make sure that those people who keep dogs keep them in a condition that is not to the detriment of other people in the community. When the Hon. R. H. C. Stubbs was Minister for Local Government, I understand he established a committee in 1973 to examine and review the legislation. That report was a long time in coming forward. In addition, the Bill was held over from the last

session, which was a good thing and enabled anybody who had objections to the provisions to make them known.

The only communication I have received on this matter has been from the local councils which have expressed support for the Bill as it stands. They were not prepared to argue about portions of the legislation principally I believe because they felt they were getting out of some of their responsibilities.

The great problem in dealing with this subject is the emotional side of the keeping of pets. It seems symbolic, somehow, because man and dog have lived together in some form or another for a long time. Even the Australian Aborigines have always encouraged dogs in their communities, from the wild dingo species down to the more domesticated animals. Very often, when we see a group of Aborigines we find they have just as many dogs as people. I believe that when we interfere and make them responsible for their dogs, we will be stirring up a hornets' nest. However, if Aborigines are living in confined areas, they must realise along with the rest of the community the damage and pollution which can be caused by their animals.

The Bill itself relates very much to the owning and keeping of dogs and to all the things the owners must do, including the correct registration of their pets, and the penalties associated with contravention of the Act. It will impose a greater responsibility on dog owners than is the case under the existing legislation and will provide greater protection to the general public in that it will be easier for people to take action against what they consider to be a nuisance.

The main offences, of course, will be allowing dogs to wander at large and chase cars; the Bill also deals with the abandonment of dogs. I notice that the illustrious Chamber at the other end of the building is dealing with the abandonment of cats. No doubt, if we develop an overt love for budgerigars, we will find a "Desertion of Budgies Act" coming before us! However, the subject before the Chair relates to dogs.

Once again, the local authorities will be responsible for the registration of dogs, and this is appropriate because it will be easier for those bodies to ensure that people properly license their pets than it would be for a central Government department, which would not have the same access to the local population.

I agree with the provision to place the owner's name and address on the licence tag to be worn by the dog; in the past, the licence bearing only a number has not proved successful, particularly in cases such as that quoted by the member for Fremantle. While he may have adequate brakes, another person may have injured the animal, and the normal reaction in

such a case is that the driver of the car would be anxious to contact the owner as quickly as possible. In such cases, the name and address on the tag would facilitate matters.

I do not know whether we should still be exempting from the provisions of the legislation fox hounds engaged in the blood sport of fox hunting. I am not one who rides to the hounds, and while those who do may derive some enjoyment from their activities, I believe that blood sports have no place in this day and age.

The present debate covers three Bills on the notice paper dealing with dogs, and I propose now to refer to Alsatian dogs. There has been a great deal of argument in the past about whether Alsations should be allowed in Western Australia, and as to the extent to which they might kill sheep or be liable to attack humans, or mate with dingoes and produce another species of wild dog which could prove difficult to control.

The same argument does not seem to surround the big Dobermann dogs and the other large breeds, some of which are inclined to get nasty at times. Even some of the smaller breeds are very temperamental and are likely to give one a nasty bite if one goes near them. I believe there is no justification for treating a particular breed of dog one way and treating others another way.

This provision has brought a lot of adverse comment to members of Parliament from the German Shepherd Dog Association and those people closely associated with this breed. However, the legislation will still allow certain actions to be taken against dogs which attack stock; it will permit property owners to lay baits for dogs. I realise this is unfortunate but probably it is necessary when there is no other way to catch or control these animals.

The Bill also provides that people who unlawfully kill or poison dogs or submit dogs to unnecessary suffering will be liable to a severe penalty. This is an appropriate provision in the legislation, because a dumb animal such as the dog, which has been so closely associated with man for so many years, should not be subjected to unnecessary pain and anguish because of some person's misdemeanours.

The only difficulty I see arising relates to the various local government by-laws. In many cases, the responsibility for enforcing the Act will fall on the local councils, and it remains to be seen whether they will enforce the legislation any more than they have done in the past. This is a problem which we will have to meet if and when it arises. I believe the Minister should have very keen regard for this point and make sure local governments adopt the appropriate regulations and by-laws and do their job in respect of the enforcement of the Act.

Really, there are not many people in our community who deliberately cause problems with their animals. I believe the problems which arise are due mainly to carelessness on the part of the owners. The pets are acquired as fluffy little puppies, and they grow up to be a part of the household. When they begin to mature, sometimes they are given the run of the neighbourhood, just as growing children are allowed to roam further from home, and learn to look after themselves.

Unfortunately, the intelligence of some of these animals is not developed to the degree that they can reason as to where they should heed the call of nature, and pollution problems are the result. Very often, they cause more trouble than do the children, although sometimes the opposite is the case, and it would be easier for a family to look after a group of well behaved dogs! However, it is up to the owners of these pets to ensure that the behaviour of their pets is as good as it can be.

Sometimes they will deny responsibility for its savageness, but that is no defence. As I see it, under the Act if a person is bitten the matter becomes the responsibility of the person who was deemed to be the owner. One objection that I heard raised is that a number of people could be deemed to be the owner. In many cases a dog will desist in its attack or barking at a word from any member of a household. Last year when I was trying to upset the Liberal candidate for Greenough one of his constituent's dogs who was a Labor voter—

Mr Thompson: The dog?

Mr JAMIESON: The dog would have voted Labor too if I had talked to it! The dog was attacking and was ferocious and the situation was scary and one has to be careful of such things. The person who owned the dog in no way tried to make it desist from its attack. I could understand that if the person had been a Liberal voter, but he was not which is the strange part about it. I said to him, "Are you not going to stop the dog from its antics?" He said, "Oh yes, Rover, away you go"; and away it went. But the responsibility was there and should have been indulged in by the person concerned. Also any member of the family could have spoken similarly to the dog with the same result. Therefore, one has to accept that more than one person can be deemed to be the owner for the purpose of avoiding any problems that may occur with dogs. Despite the fact that it may be a little complicated in law and not technically correct under our normal legislative ideas, when something of this nature occurs I think we must adopt other attitudes.

I think it is a good move to consolidate the Act to try to overcome the difficulties that exist at present. Whether they will be overcome will depend on the endeavours of the various local authorities and others who will be obliged to police the proposed

Act. I hope that they will show more endeavour under the provisions of this proposed Act than they have shown under the provisions of the previous Act.

MR RUSHTON (Dale—Minister for Local Government) [4.23 p.m.]: Firstly, I wish to thank the members for Kalgoorlie, Morley, Swan, Fremantle and Boulder-Dundas and the Leader of the Opposition for their contributions to this debate, especially the member for Kalgoorlie. I should like to compliment him on the very good plane on which he set the debate by taking a very realistic and responsible attitude towards the Bill which most of us accept is of great social consequence. His words were most apt when he said that the dog is man's best friend and also man's greatest pest, depending on one's attitude. This is what has made it somewhat difficult to reach conclusions and to present a Bill. Therefore, from my point of view it is very gratifying to have presented a Bill, after a great deal of work by various people, which has been accepted in this way. I convey to members who have spoken my intention to give an answer to most of the matters they have raised. In the Committee stage the member for Kalgoorlie and I might have different views on clause 29, but I think that is a matter for the Committee to decide. The member for Morley has raised another issue which I think it is possible for the Chamber to decide.

This Bill has been approached in a broad manner; that is, we have given full consideration to the many submissions that have been made. So many concessions have been made already that I should like to think that when I have given the explanations in my reply during this second reading debate, members will be satisfied and still have a full opportunity to present their views on what is basically a Committee Bill.

The Bill is directed towards encouraging responsibility by owners to care for their dogs and to improve the administration of dogs by councils. It also contains a little for the dog in that it gives him added protection in certain cases.

Members have mentioned that the previous Minister for Local Government set up a committee in 1973. Also a previous Minister—I think it was the Hon. Les Logan—certainly did a fair amount of work towards revising the Dog Act. It fell to me, when taking office, to try to put together all the material that was available. I should like to commend two people particularly who have worked very diligently in making this possible. One was the late Fred Rogowsky. That gentleman lived in my electorate and I remember doorknocking on one occasion at his house and not knowing who was there.

At that time Fred Rogowsky was putting in hard work on the Dog Act and was

trying to bring forward some revised attitudes. I pay tribute to the work he did. We are indebted to his work; it was done with great dedication. Following the death of Fred Rogowsky, John Watson from the department made a vital contribution.

It is interesting to note that when there is a large committee working on this type of exercise it takes extreme tolerance and understanding to weld it into a Bill. This is what has happened and I express appreciation to all those concerned in it.

A number of speakers have mentioned—certainly the member for Kalgoorlie—the submission by the Gun-Dog Club of Western Australia (Inc.). If I tell the House the attention that has been given to the items in the submission it will illustrate how we have approached this subject. I trust members will be satisfied with my explanations. Item 1 requested some restricted breeding. That was conceded. Members will find that in the Bill there is allowance for breeding and the numbers are increased to six. I think this is what has been suggested in special circumstances. The next item was—

Additional exemptions be made under the sections dealing with the wearing of collars bearing names and addresses and registration discs, to prevent injury to dogs in the field and loss of discs and tags.

This was agreed because it was understood that it could cause harm to the dog. The third item was—

Additional exemptions be made under the sections dealing with seizure, detention and control, to allow proper participation in and training for competitive activities.

This was not allowed. It was not agreed to because the dog is not at large at this stage and is certainly under the care of a person. It was thought not to be necessary. The fourth item was—

Uniform general by-laws be made sufficiently broad to cover all contingencies and apply to all areas, to protect the interests of those for whom dogs provide a major form of recreation.

Uniform by-laws have not been prepared and will not be prepared until such time as the House considers the Bill and the legislation is passed. This will then be undertaken. So there is nothing there that will not be undertaken.

The next item is—

Council should satisfy itself that a nuisance exists before serving notice on dog owners for abatement.

I did not concede this item because I look to councils to be the responsible people to do just this. The next item was—

Except in extreme circumstances, owners should be notified before dogs are destroyed.

Of course this is in the Bill and this is where they can be identified. Item 7 was—

Minimum housing standards should be laid down for local authority dog pounds.

Many members come from different areas and I thought that item at this stage too difficult to comply with and I have not conceded it. But once again it could be something we could debate during the Committee stage. The next item was—

Supervision of council administration of this Act should be undertaken by a State Government Department.

As members know, it is the objective of this Government to give local government as much responsibility as it can, and this is one item that I and the Government believe local government should administer. There are provisions in certain cases for appeals and so I did not concede this point. I believe local government should have this responsibility.

I would like to touch briefly on some of the points that have been raised in the debate. I shall be pleased to debate the provision in clause 29 with the member for Kalgoorlie. Already he and I have had some discussion on it. It is a question of a difference of attitude. Although I am not dogmatic on this matter, it is a question of judgment as to whether local authorities should have the power to administer the provision in this way.

The provision in clause 50(c) is similar to a provision in the Local Government Act. It has been included so that particular groups might be exempted from the provisions of the by-laws. We could give further attention to this provision. Clause 50(d) contains a provision relating to the payment of on-the-spot fines. There are also similar provisions in other legislation relating to such fines.

I appreciate the contribution that has been made by the member for Kalgoorlie. I do not know how far we will proceed with the Committee stage of the Bill today. However, there is much opportunity for him to put forward suggestions and to debate any clause he wishes. I shall give every consideration to what he has to say.

The member for Morley made reference to the provision in clause 7 as did the Leader of the Opposition. This relates to the registration of dogs. A similar provision is to be found in the existing Act. It will depend on the attitude of members as to whether or not this provision is agreed to. I do not intend to withdraw the provision from the Bill, and perhaps members will tell us what they think about it.

The member for Swan made a reasoned presentation. Obviously he has a problem with dogs in his electorate. I found his presentation to be very worth while and acceptable. His contribution indicates his understanding of the problem. I trust that in the administration of this legislation by

local authorities some of the problems he has raised will be resolved. I do not know whether he has covered the points raised by the W.A. Gun-Dog Club.

Mr Skidmore: I knew the points it raised would be covered in a general way.

Mr RUSHTON: The member for Fremantle dealt with the position which exists at Cockburn. The points he raised have been answered and explained. He also made reference to the Gun-Dog Club and the points it has put forward. I have already given a full recital in replying to those points. He referred to restricted breeding, and this has been accepted and conceded.

The member for Boulder-Dundas questioned the provision in clause 50 (c). I found his remarks to be very entertaining. This matter is covered by the Local Government Act, so I shall be very interested to hear what suggestions he has to put forward. The explanation I have is that this provision has been included for a reason. It might be drafted clumsily, and the discussion in Committee might present him with the opportunity to improve the legislation.

The Leader of the Opposition made his presentation based on the fact that these powers already exist under the present legislation, if it is applied fully. He expressed the hope that this will be done by local authorities in the future.

The local authorities have made many representations to me, and that is why I was very keen to have the Bill introduced and the provisions considered. I trust that when the local authorities become aware of the added responsibilities which they will be given, they will respond in the spirit in which I have introduced the legislation. I also hope that they will reflect the attitude of members who have participated in the debate, and who have been most responsible in their approach to this legislation. I conclude by saying that I am very pleased with the views which members have expressed.

Question put and passed.

Bill read a second time.

(Continued on page 1826.)

QUESTIONS (49): ON NOTICE

1.

RECREATION

Commonwealth Grants: Discontinuance

Mr T. D. EVANS, to the Minister representing the Minister for Recreation:

(1) Would the Minister please confirm that the Fraser Government has announced the discontinuance of grants for recreation purposes inclusive of grants previously made through the auspices of the Community Recreation Council

and also grants made directly to recreation bodies such as grants for travel by sporting bodies?

- (2) (a) If such grants have been discontinued has he or the Premier protested the matter to the Federal Government;
- (b) if so, when?
- (3) If the answer to (1) is in the affirmative, will the State Government augment moneys made available to the Community Recreation Council so as to compensate in some way for the loss of Federal funds?

Mr GRAYDEN replied:

- (1) The Federal Government has announced that it will honour commitments made in the 1975-76 financial year in relation to capital assistance for leisure facilities. The extent of further commitments will not be known until the federal budget is brought down. Federal grants for travel assistance to State sporting teams have been discontinued.
- (2) (a) and (b) The Premier protested the matter of sports assistance to the Prime Minister in a letter of 6th April, 1976.
- (3) The State Government is awaiting the coming federal budget and the outcome of the Federal Government's current review of its role in sport and recreation before making any commitment on additional State funding.

2. KALGOORLIE RAILWAY STATION

Use of Imported Clay Bricks

Mr T. D. EVANS, to the Minister for Transport:

- (1) Would he please explain how the choice of imported clay bricks used in upgrading the platform at the Kalgoorlie railway station are more "architecturally sympathetic to the materials used in the old building" when the old building is painted stone work?
- (2) Would he give an assurance that if any future work will be undertaken by Westral in the Goldfields the local brick manufacturer will be given an opportunity to tender for the supply of any bricks required?

Mr O'CONNOR replied:

- (1) There is no doubt whatsoever, certainly in the opinion of architects, that clay bricks, stone and timber are complementary and sympathetic materials. Brick has a warmth and individual character which concrete blocks lack.

It is important to note that the area on the other side of the railway lines from the station will be landscaped for use as public open space and the view of the platform face will therefore be of prime importance.

- (2) Yes.

3. KENWICK SCHOOL

New Structure

Mr BATEMAN, to the Minister representing the Minister for Education:

- (1) Is he aware of the overcrowding at the Kenwick Primary School?
- (2) Is he further aware of the extensive family growth in the Kenwick area?
- (3) Is he also aware of the possibly dangerous situation which exists because small children have to cross the Kenwick railway crossing and the busy Albany Highway to attend the Kenwick school both morning and night at peak hours?
- (4) If "Yes" to (1), (2) and (3), will he immediately place the construction of the new proposed Kenwick Primary School on the priority list for the 1976-77 school years?
- (5) If he will not, would he give explicit reasons why?

Mr GRAYDEN replied:

- (1) It is not considered that there is overcrowding at Kenwick Primary School.
- (2) The planning branch of the Education Department is fully informed of growth and development in all areas.
- (3) It is not unusual for children to have to cross busy roads to attend school.
- (4) and (5) The allocation of funds and priorities for schools does not permit the building of a new school in the Kenwick area in 1976-77.

4. KENWICK SCHOOL

Bus Service

Mr BATEMAN, to the Minister for Transport:

- (1) Is he aware that attending the Kenwick Primary School each day, there are 198 children who have to cross Albany Highway and the railway line at Kenwick?
- (2) If "Yes" does he consider this constitutes a danger to those children attending the Kenwick Primary School?

- (3) If the answer to (1) and (2) is "Yes" would he consider providing a bus to transport those children to school each day before an accident of a serious nature occurs?

Mr O'CONNOR replied:

- (1) Yes.
 (2) and (3) No. The rail crossing is under flashlight control and Albany Highway-Royal Street intersection is under traffic signal control. Crossing at these two locations should not pose any undue hazard provided normal care is exercised.

5. KENWICK SCHOOL

Grant

Mr BATEMAN, to the Minister representing the Minister for Education:

- (1) Is the Kenwick Primary School classified as a secondary primary school?
 (2) What was the financial grant to the Kenwick Primary School for the 1976-77 school year?

Mr GRAYDEN replied:

- (1) The Kenwick Primary School is classified as a Class II primary school.
 (2) \$4 219.

6. DROUGHT

Water Bores

Mr McPHARLIN, to the Premier:

- (1) (a) How many bores were sunk in the drought areas during the period in 1969 when drought exploratory water boring was carried out under the direction of the Drought Committee and was subsidised by the Government; and
 (b) where were these located?
 (2) (a) How many were considered successful; and
 (b) in which areas were these found?
 (3) Will the Government give consideration to again implementing a similar scheme?

Sir CHARLES COURT replied:

- (1) (a) Under the direction of the farm water supply committee, 2 639 bores were sunk during the 1969 drought.
 (b) Mt. Marshall-Koorda, 166; Westonia, 283; South Yilgarn, 106; South Burracoppin, 175; Mt. Walker, 145; Kondinin-Kulin, 162;

Holt Rock, 207; Lake Grace, 246; North Stirling, 68; South Stirling, 138; Nyabing-Pingrup, 441; Ongerup, 407; Ravensthorpe, 95.

- (2) (a) 263.

(b) Mt. Marshall-Koorda, 10; Westonia, 22; South Yilgarn, 1; South Burracoppin, 12; Mt. Walker, 12; Kondinin-Kulin, 10; Holt Rock, 43; Lake Grace, 11; North Stirling, 16; South Stirling, 31; Nyabing-Pingrup, 30; Ongerup, 43; Ravensthorpe, 22.

- (3) The farm water supply committee is assessing the water supply position for the agricultural areas at present, and will make appropriate recommendations based on the outcome of these investigations.

7. DROUGHT

Emergency Stock Feed

Mr H. D. EVANS, to the Minister for Agriculture:

Following on from his reply to question 27 of 5th August last in which he stated that no oats are held in storage for stock feed purposes, and having regard to the feed problems inherent with barley as a feed—

- (a) what other sources of emergency stock feed does the Government consider is available in Western Australia; and
 (b) in what quantities?

Mr OLD replied:

Experience has shown that wheat and barley are satisfactory and safe as drought feeds, provided that normal precautions during introduction are taken. Media information has outlined recommended feeding methods.

Arrangements have been made with the Australian Wheat Board and Co-operative Bulk Handling Limited to retain 166 000 tonnes of wheat for feed and seed purposes at country receival points in the drought affected areas.

In addition there are 26 000 tonnes of barley available for stock feed purposes.

8. TOWN PLANNING

Rockingham: Semi-rural Holdings

Mr BARNETT, to the Minister for Urban Development and Town Planning:

- (1) Have any areas in the Rockingham Shire been set aside for the purpose of semi-rural small holdings?
- (2) Would he give details of the area or areas that have, or are about to be, set aside for this purpose?

Mr RUSHTON replied:

- (1) and (2) No, assuming the member is referring to "special rural zones".

9. INDUSTRIAL DEVELOPMENT

Light Industrial Land: Dixon Road

Mr BARNETT, to the Minister for Industrial Development:

- (1) Is any land in the Dixon Road light industrial area still available for light industry to establish; if so—
 - (a) how much; and
 - (b) where?
- (2) In view of the need for employment in the area, is it proposed to release more land in the near future for labour intensive light industry to establish?
- (3) (a) Does the Government have any plans to offer some type of incentive to labour intensive light industry to establish itself in the Rockingham area;
 - (b) will he outline those plans?

Mr MENSAROS replied:

- (1) Four lots in Hurrell Way, Rockingham, are vacant and the Department of Lands and Surveys proposes to sell these lots by public auction in the near future.
- (2) The Industrial Lands Development Authority, at its meeting held 7th July, resolved to subdivide a number of sites along Dixon Road. An application is currently being prepared for submission to the Town Planning Board. If approved this will make a further 13 light industrial lots available for sale. Negotiations are currently being undertaken with two companies wishing to establish in the area, one involved in garment manufacture, the other in fabric weaving and manufacture of fabric trimmings. It is understood both will provide employment opportunities for people in the immediate area.

- (3) The Government offers its full support to the establishment of light industry in the Rockingham area, and its record in regard to the recent establishment of a clothing industry shows that there are many areas where Government can effectively give help, without necessarily giving financial support. Each case is treated on its needs and merits and assistance is afforded accordingly in a variety of ways.

10.

WATER SUPPLIES

Jarrahdale: Market Gardens

Mr BARNETT, to the Minister for Water Supplies:

- (1) Is he aware of the problem being experienced by certain market gardeners in the Jarrahdale area in obtaining sufficient ground water supplies to water their crops?
- (2) Is he aware that this problem is only being experienced by those market gardeners closest to the Alcoa area of operations and not by those further away?
- (3) Will he please have an immediate investigation made to determine the cause of the declining water supplies?

Mr O'NEIL replied:

- (1) and (2) No.
- (3) The cause of the declining water supplies is possibly due to the seasonal conditions and an inquiry will be made to determine the problem and probable reasons.

11.

TOWN PLANNING

Warnbro Sand Dunes

Mr BARNETT, to the Minister for Urban Development and Town Planning:

- (1) Is he aware of the concern being expressed by residents of Warnbro and Rockingham relative to the lack of a positive decision on the Warnbro sand dunes?
- (2) Will he please outline the situation as it now stands and the Government's attitude to the question of retaining the whole of the sand dune area in its present state?

Mr RUSHTON replied:

- (1) Yes.
- (2) From the information to hand, retention of the dunes in their present state does not appear practicable. Erosion arising from a number of factors, including pedestrian access to the beach, will require some remedial action.

Investigations are nearing completion and further consideration can then be given to the setting aside of appropriate reserve areas.

12. HOUSING

Kwinana Beach: Acquisition

Mr BARNETT to the Premier:

In view of the Premier's pre-election promise to accelerate the purchase of houses in the Kwinana beach townsite, will he please advise—

- (a) the number of houses purchased by the Government for the years 1972 to 1976 inclusive; and
- (b) the amount of money spent during each year for that purpose?

Sir CHARLES COURT replied:

- (a) and (b) The number of properties purchased by the Government for the years 1972 to 1976 inclusive, and the amounts of money spent during those years are as follows—

Year.		Vacant Houses.	land.	Am't spent.
				\$
1/7/72 to 30/6/73	22	—	—	221 752
1/7/73 to 30/6/74	17	2	—	214 483
1/7/74 to 30/6/75	30	4	—	320 909
1/7/75 to 30/6/76	19	4	—	387 923
Total	88	10	\$1	145 067

All known further cases where owners have expressed a desire for early acquisition are being assembled so that they can be considered promptly when the financial allocation for 1976-77 is known.

13. PRE-PRIMARY CENTRES

Takeover and Rents

Mr BARNETT, to the Minister representing the Minister for Education:

- (1) How many pre-primary centres have now been taken over by the Education Department?
- (2) Would the Minister please list the centres indicating the current rent for each and which shire the rent was paid to?

Mr GRAYDEN replied:

- (1) Fifty-four pre-school centres have transferred to the Education Department.
- (2) No.

14. *This question was postponed.*

15. WASTE DISPOSAL

Recycling Plant: Rockingham

Mr BARNETT, to the Minister for Industrial Development:

- (1) Will he inform me of his department's attitude to the proposals for rubbish recycling put forward by Environmetric Systems Pty. Ltd.?
- (2) Is his department assisting the company or Rockingham Shire to set up a plant in the Rockingham area?
- (3) What stage are developments now at?

Mr MENSAROS replied:

- (1) My department has always welcomed such proposals and will actively pursue those which show an opportunity to develop industrially.
- (2) No. The company is not yet in a position to establish a plant. However, my department has assisted the company in the past 20 months to progress its proposals.
- (3) The company is continuing with research into the scheme with a view to developing a commercially viable proposition.

16. MOTOR VEHICLES

Non-standard Accessories: Legislation

Mr BARNETT, to the Minister for Police:

- (1) Does he intend to introduce in this session of Parliament a Bill to prohibit the sale of non-standard motor accessories to the general public?
- (2) If not, why not?

Mr O'CONNOR replied:

- (1) No.
- (2) There are regulations at present providing for modification of vehicles and at this stage further legislation is not considered necessary.

17. POLICE

Robberies and Vandalism: Rockingham-Kwinana

Mr BARNETT, to the Minister for Police:

- (1) Is it a fact that there has recently been a substantial increase in major robberies and vandalism in the Rockingham and Kwinana areas?
- (2) Would he please list all reports of robberies for the months of April to July inclusive for 1975 and 1976?

- (3) Would he please list all reports of vandalism for the months of April to July inclusive for 1975 and 1976?
- (4) Would he consider increasing the police force at Rockingham thereby effecting a reduction of the crime wave in the area?

Mr O'CONNOR replied:

- (1) to (4) The information requested in parts (2) and (3) is not readily available. As soon as it has been collated I will forward it to the member.

18. *This question was postponed.*

19. **ENVIRONMENTAL PROTECTION**

*Kwinana Industrial Area:
Waste Emission*

Mr BARNETT, to the Minister for Conservation and the Environment:

In view of his reply to question 25 on 12th November, 1975 wherein he stated, "It would be premature to take such action until the report had been received and analysed", would he advise if he is prepared to implement a system now, whereby reports of waste emissions from the industries surrounding Cockburn Sound are either made public or available on a quarterly or an annual basis?

Mr Old (for Mr P. V. JONES) replied:

Such a serious matter involving the most extensive industrial complex in Western Australia is not to be lightly undertaken. The member, however, can rest assured that the technical and environmental implications of various courses of action are being considered very seriously by the Government at this time.

As advised on Tuesday, the 10th August, 1976, a suggested management plan for Cockburn Sound is before Government, and we are following up with industry its participation.

20. **MIDVALE SCHOOL**

Students East of Railway Line

Mr MOILER, to the Minister representing the Minister for Education:

How many students attending Midvale Primary School live east of the standard gauge railway line?

Mr GRAYDEN replied:
Nine.

21. **SWAN VIEW AND EASTERN HILLS HIGH SCHOOLS**

Enrolment Areas

Mr MOILER, to the Minister representing the Minister for Education:

- (1) Has the Minister seen the articles in local newspapers the *Swan Express* and *The Darling* which indicate that following representation by Messrs. Thompson, MLA and Masters, MLC, the Minister has directed that students resident in Darlington and Glen Forrest will have to attend the Swan View High School instead of Eastern Hills High School?
- (2) Are the articles correct and would the Minister clarify?

Mr GRAYDEN replied:

- (1) No.
- (2) Answered in question No. 22.

22. **SWAN VIEW HIGH SCHOOL**

Students From Darlington

Mr MOILER, to the Minister representing the Minister for Education:

- (1) Has the Minister seen the Darlington parents and citizens' association parent newsletter dated 9th August, 1976 in which the following extract from a letter to the parents and citizens' association from Mr Masters, MLC is quoted: "I made representation to the Minister for Education, the Hon. G. C. MacKinnon, MLC, who has advised that the decision has been taken that pupils ex-year 7 from your school will be directed to attend Swan View High School from 1977."?
- (2) Is it correct that ex-year 7 students from Darlington will be directed to attend Swan View High School as from 1977?
- (3) Was the decision to direct such students to Swan View, taken after consultation with the parents and citizens' association concerned; if "Yes" who had the consultation with the parents and citizens' association?
- (4) Besides Messrs. Masters and Thompson who also had suggested or recommended to the Minister that students from Darlington and Glen Forrest should attend Swan View High School?
- (5) Is the Minister aware how many parents Mr Masters, MLC was speaking on behalf of, when he made representation to the Minister for children to be directed from Darlington to Swan View High School?

Mr GRAYDEN replied:

- (1) No, but I am aware that an announcement has been made.
- (2) While this is the present intention, the matter is still under consideration.
- (3) Parents and citizens' associations are not normally consulted when boundaries are established.
- (4) A number of parents have contacted the Education Department seeking the change.
- (5) I am not aware of the precise number of parents and organisations who approached Mr Masters.

- (2) What are the relevant costs of such accommodation—
 - (a) to the consumer of the service;
 - (b) to the State?
- (3) Have any estimates been made of the cost of providing this accommodation to all country people requiring it?
- (4) If "Yes" to (3) will the Minister please give the details?

Mr RIDGE replied:

- (1) and (2) There is no particular accommodation provided for country people who come to Perth for specialist treatment. These people need to make their own accommodation arrangements.
- (3) and (4) No information of this nature is available and it would be impossible to estimate.

23. HOUSING

Pensioners: Flats Accommodation

Mr CARR, to the Minister for Housing:

- (1) For how long has the \$600 assets limit on pensioners wanting flat accommodation been fixed at that figure?
- (2) Is he aware that a pensioner who does not own furniture would need more than \$600 to furnish the flat once allocated?
- (3) Does he realise that the cost of funerals is such that a pensioner who has saved for funeral expenses would need more than \$600 savings?
- (4) Will he give consideration to raising this assets limit to a figure more in keeping with present day costs and inflation?

Mr Old (for Mr P. V. JONES) replied:

- (1) The \$600 liquid asset limitation on pensioner eligibility for housing assistance became effective from April, 1970.
- (2) and (3) Yes.
- (4) This aspect was recently considered by the commission and approval has been given to increase the limit to \$1 000.
Also, an applicant may now be in receipt of \$4.00 per week from any other source in addition to the aged, invalid or widow's pension.

24. MEDICAL TREATMENT

Country People: Accommodation in Perth

Mr CARR, to the Minister representing the Minister for Community Welfare:

- (1) Will the Minister detail all accommodation which is available to country people required to come to Perth for specialist medical treatment?

25. MEDICAL TREATMENT

Concessional Transport

Mr CARR, to the Treasurer:

- (1) How many persons from north of the 26th parallel used the free air fare to Perth for specialist medical treatment in each of the last three years?
- (2) What was the cost to the State of travel referred to in (1)?
- (3) How many persons from south of the 26th parallel used the concessional bus or rail travel provided through the Department for Community Welfare to travel to Perth for specialist medical treatment in each of the last three years?
- (4) What was the cost to the State of the travel referred to in (3)?
- (5) Have any estimates been made of the extra cost of—
 - (a) removing the means test on the Department for Community Welfare travel;
 - (b) extending the free air travel provisions to all places served by regular air services?
- (6) If "Yes" to (5), will he please provide details?

Sir CHARLES COURT replied:

- (1) 1973-74, 1 612;
1974-75, 2 557;
1975-76, 2 768.

These figures include a small percentage of patients who travel by means other than air.

- (2) 1973-74, \$305 320;
1974-75, \$397 480;
1975-76, \$724 982.

These figures include the cost of—
(a) transport by means other than air;

- (b) transport not necessarily confined to patients north of the 26th parallel;
- (c) transport by ambulance to and from airports.

(3) The Department for Community Welfare provides travel assistance in emergency situations over a wide variety of circumstances, including cases requiring travel to Perth for specialist medical treatment. No separate statistics are kept for medical travel.

(4) The total cost to the department for all emergency travel for each of the last 3 years is as follows:—

1973-74, \$23 043;
1974-75, \$61 801*;
1975-76, \$45 484.

* includes a bulk payment to Westrail for travel assistance in the preceding year.

(5) and (6)—

(a) No. Requests are considered on the basis of a family's financial and other circumstances.

(b) No.

26. MEDICAL TREATMENT

Country People: Accommodation at Noalimba

Mr CARR, to the Minister for Immigration:

- (1) Has he received submissions from voluntary community groups in Geraldton, Bunbury and Kalgoorlie seeking to have the Noalimba Reception Centre made available to provide accommodation for country people travelling to Perth for specialist medical treatment?
- (2) Has he given consideration to such a suggestion?
- (3) Is he prepared to agree to the suggestion?

Mr GRAYDEN replied:

- (1) Yes. Not only have the requests been for country pensioners but several requests have been for country people in general seeking accommodation while in Perth for medical attention.
- (2) and (3) The Noalimba Reception Centre was designed and built for the initial accommodation of migrants by the Commonwealth and State Governments. Although there has been some excess accommodation, with increasing economic recovery it is expected that the centre will shortly be required in its entirety for its initial purpose. Therefore, the Government is unable to agree to the suggestion.

27.

PRE-SCHOOL AND PRE-PRIMARY CENTRES

Teachers

Mr CARR, to the Minister representing the Minister for Education:

- (1) Is there any shortage of trained kindergarten teachers available for appointment to either pre-school or pre-primary centres?
- (2) Is the Minister aware of any examples of untrained persons being employed in either pre-school or pre-primary centres?
- (3) If "Yes" to either (1) or (2), will he please provide details?

Mr GRAYDEN replied:

- (1) There is no shortage of pre-school or pre-primary teachers in the metropolitan area but replacements for country teachers are not readily available.
- (2) and (3) A number of untrained kindergarten assistants are employed in remote country districts where trained teachers are not available.

28. COMMUNITY WELFARE

Geraldton Community Centre

Mr CARR, to the Minister representing the Minister for Community Welfare:

- (1) When was the Geraldton Community Centre allocated to the Minister's department?
- (2) For what specific purpose was the centre allocated to the Minister's department?
- (3) Will the Minister provide details of all alterations made to the building since it was allocated to his department, including costs of such alterations?
- (4) For what purpose is the building presently being used?
- (5) What are the intentions of the department concerning this building?

Mr RIDGE replied:

- (1) 23rd July, 1973.
 - (2) Reception and receiving home for children. Parts of the building to be available for use by local community organisations.
 - (3) Replacement of internal dining room wall. Upgrade kitchen and laundry. Installation of new hot water system. Upgrade ablutions. Electrical and plumbing systems renewed.
- Work was carried out by the Public Works Department at a cost of \$16 400.

- (4) Due to the necessary renovations, the building has only been intermittently used in the past. Repairs and renovations have just been completed and furniture and equipment is currently being installed. However, parts of the building have always been used and continue to be used by local community organisations such as the potters club, 1A Manigarra guides and brownie groups and a local weight watchers club.

- (5) My department intends to operate a group home in the building to provide short term emergency shelter and reception facility for disadvantaged children and their families. It will be used in this way until such time as loan funds are available to construct a specific facility in the Geraldton locality.

Community groups will continue to have access to and be able to use part of the building.

29.

DROUGHT*Stock Feed in Southern Areas*

Mr CARR, to the Minister for Agriculture:

- (1) Does his department anticipate that supplies of stock feed from south-west and southern areas of the State will be able to adequately offset the need for feed in the drought affected areas during the next 12 months?
- (2) If not, what alternative measures has he considered to assist drought stricken farmers?

Mr OLD replied:

- (1) and (2) Arrangements have been made to hold 166 000 tonnes of wheat for feed and seed purposes at country receival points in the drought affected areas. In addition, there are 26 000 tonnes of barley available for stock feed purposes.

The drought consultative committee considers this feed reserve is adequate to meet anticipated needs on the basis of presently declared drought areas.

30.

TOTALISATOR AGENCY BOARD*Geraldton Agency*

Mr CARR, to the Minister for Police:

- (1) Is he aware of criticism in Geraldton because the town has only one TAB agency and one sub-agency?
- (2) Will he have an examination made into the desirability of establishing a further agency in Geraldton?

Mr O'CONNOR replied:

- (1) The TAB is not aware of any recent criticism and believes the facilities offered are adequate.
- (2) Geraldton was reviewed in May of this year and will be re-examined early in 1977.

31.

MUSEUM*Branch at Geraldton*

Mr CARR, to the Minister representing the Minister for Cultural Affairs:

- (1) Has further consideration been given to establishing a branch of the Western Australian Museum in Geraldton, involving either the maritime museum, the old railway station, or both?
- (2) If "Yes" will the Minister please advise of the present position?

Mr GRAYDEN replied:

- (1) Yes.
- (2) The matter is still under consideration.

32.

JOHN WILLCOCK HIGH SCHOOL*Stage 2*

Mr CARR, to the Minister representing the Minister for Education:

- (1) Has a contract been let for construction of stage 2 of the John Willcock High School?
- (2) If not, when is it expected that a contract will be signed?
- (3) When is construction expected to commence?
- (4) What is the due date for completion of the building?
- (5) Is the Minister confident that the above completion date will be met?

Mr GRAYDEN replied:

- (1) No.
- (2) Early September.
- (3) Within two weeks of signing the contract.
- (4) The specified completion date is 31st January, 1977.
- (5) Yes, providing the contract is let as indicated and there are no delays in the supply of materials and labour.

33.

LOCAL GOVERNMENT ELECTIONS*Alteration of Date*

Mr CARR, to the Minister for Local Government:

- (1) Has he received a suggestion that the date for local government elections be moved from May to February in order to avoid it falling during the May school holidays?

- (2) Is he prepared to agree to such a change and to have the necessary amendments made?

Mr RUSHTON replied:

- (1) Yes.
(2) Part IV of the electoral provisions of the Local Government Act is under review and the issue raised is being considered under this review.
I hope to introduce any legislation coming forward from the current review into Parliament next year.

34.

POLICE

ALP Rally at Geraldton: Bomb

Mr CARR, to the Minister for Police:

- (1) Did the police apprehend a person for throwing a smoke bomb at an ALP political rally in Geraldton during the Federal election campaign?
(2) Were any charges preferred?
(3) What was the outcome of any such charges?

Mr O'CONNOR replied:

- (1) The suspect was interviewed with regard to a smoke bomb placed at the foot of a tree in such a position that the smoke blew across the assembled crowd.
(2) No.
(3) The suspect was interviewed and warned regarding his behaviour by Geraldton police.

35. ELECTORAL DISTRICTS AND PROVINCES

Enrolments

Mr CARR, to the Minister representing the Minister for Justice:

- (1) Are figures yet available of the present enrolment in each of the 55 Legislative Assembly electorates and 16 Legislative Council electorates?
(2) If "Yes"—
(a) will the Minister provide the figures?
(b) what is the quota for each category of seats;
(c) are any electorates outside the quota limitations and if so which ones?
(3) If "No" to (1), when are these figures expected to be available?
(4) When are new electoral rolls likely to be available?

Mr O'NEIL replied:

- (1) Yes.

(2) and (3)—

(a) The present enrolment for each Legislative Assembly district is as follows:

District	Enrolment
Ascot	15 697
Balcatta	17 038
Canning	15 921
Clontarf	15 800
Cockburn	15 436
Cottesloe	15 848
Dianella	16 022
East Melville	16 745
Floreat	15 649
Fremantle	17 170
Gosnells	15 182
Karrinyup	16 113
Maylands	17 220
Melville	16 453
Morley	16 223
Mount Hawthorn	16 426
Mount Lawley	16 412
Murdoch	17 352
Nedlands	15 476
Perth	15 869
Scarborough	15 540
South Perth	15 256
Subiaco	16 230
Swan	16 263
Victoria Park	16 124
Welshpool	16 245
Whitford	17 496
Albany	8 079
Avon	7 700
Bunbury	8 603
Collie	8 086
Dale	7 330
Darling Range	7 168
Geraldton	8 590
Greenough	8 372
Kalamunda	8 751
Kalgoorlie	8 161
Katanning	7 691
Merredin	8 147
Moore	8 216
Mount Marshall	8 060
Mundaring	7 833
Murray	8 518
Narrogin	7 924
Rockingham	9 262
Roe	8 335
Stirling	8 041
Vasse	8 789
Warren	8 679
Wellington	8 336
Yilgarn-Dundas	8 220
Gascoyne	3 627
Kimberley	3 577
Murchison-Eyre	2 111
Pilbara	12 827

Total: 656 239

The present enrolment for each Legislative Council Province is as follows—

Province	Enrolment
East Metropolitan	63 987
Metropolitan	79 072
North Metropolitan	82 613
North-East Metropolitan	82 140

District	Enrolment
South Metropolitan	65 804
South-East Metro-	
politan	63 590
Central	23 684
Lower Central	24 456
Lower West	25 110
South	24 455
South-East ..	24 528
South-West	25 728
Upper West	25 178
West	23 752
Lower North	5 738
North	16 404

Total: 656 239

- (b) On the above figures the quotas would be—

Metropolitan area	16 192
Agricultural, Min-	
ing and Pastoral	
Area	8 203

- (c) No district has an enrolment of 20 per cent more or 20 per cent less than the appropriate quota shown above.
- (4) First rolls available—27th August 1976. All rolls printed by 10th September 1976.

36. GREYHOUND RACING

Introduction of Bookmakers

Mr T. D. EVANS, to the Minister representing the Chief Secretary:

When is it expected that a decision will be announced concerning the operation of bookmakers at greyhound racing events?

Mr O'NEIL replied:

This matter is currently being investigated by the Government and a decision may be expected within a matter of weeks.

37. SMALL BUSINESSES

Failures

Mr MAY, to the Minister for Industrial Development:

- (1) Is it a fact that recent announcements would appear to indicate that the Government was concerned at the number of small-business failures in recent years?
- (2) If so, will he give details of the criteria adopted by his department when determining the size of a particular business?

Mr MENSAROS replied:

- (1) In common with the Commonwealth and other State Governments, my Government is concerned with the small business failure rate.

- (2) There is no set formula adopted by the small business advisory service within the Department of Industrial Development, for giving assistance to business generally. Nobody who requests aid is denied assistance if it is practical so to do.

38. ELECTRICITY SUPPLIES

Liberal Policy on Standard Rate

Mr MAY, to the Minister for Fuel and Energy:

In connection with the announced Liberal Party policy for 1974-77 will he advise details of the standard rate of electricity as expressed in the policy document?

Mr MENSAROS replied:

The kWh charge applied by the State Energy Commission throughout the State is now the same throughout the system.

This means that any expansion of use of electricity costs the same amount for all customers of the commission.

There is of course some relatively small difference in the fixed charges, made each quarter, which reflects only partly the very large differences in the cost of provision of supply between the interconnected system and the isolated diesel stations.

39. NORTH-WEST SHELF GAS

Discussions on Purchase

Mr MAY, to the Premier:

- (1) Will he advise which Ministers and/or Government officers were involved in recent discussions with the United States company Pacific Lighting Corporation, Australian Government officials and north-west shelf consortium representatives regarding the possible purchase of natural gas from the north-west shelf?
- (2) What was the date and location the discussions took place?

Sir CHARLES COURT replied:

- (1) and (2) The Minister for Mines has had several discussions with company representatives, and met executives with the Under Secretary for Mines on 21st May, 1976. There have been no specific discussions with the Commonwealth Government officials on this subject.

The matter of the United States western seaboard interest in importing LNG was amongst the regular subjects of meetings between representatives of the north-west shelf joint venturers,

the Minister for Mines, and officers, as well as discussions with myself on other occasions.

40. **DRAINAGE**

Mundaring and Swan Shires: Survey

Mr SKIDMORE, to the Minister for Water Supplies:

- (1) Has the Metropolitan Water Supply, Sewerage and Drainage Board undertaken a survey of the drainage needs associated with the draining of an area of the Mundaring and Swan Shires embracing the Greenmount, Helena Vale and Midvale areas and incorporating the Woodbridge Creek area?
- (2) If "Yes" could he advise as to the present position regarding any proposed drainage scheme that will alleviate the problem for residents in the aforementioned area?
- (3) If no survey or scheme is available, then will he undertake an immediate survey with a view to having a proposal accepted by the Mundaring and Swan Shires that will permit residents in the area concerned to have adequate drainage of their properties?

Mr O'NEIL replied:

- (1) Yes.
- (2) A Metropolitan Water Board proposal involving the control of Woodbridge and Blackadder Creeks has been submitted to the Swan and Mundaring Shires, which, if accepted, will progressively improve the position. This proposal will not solve the problem in portions of Helena Vale and Greenmount areas but further investigation and consultation with the Shires is proceeding for these areas.
- (3) Not applicable.

41. **POULTRY FARMING**

Household and Commercial Swill: Use

Mr SKIDMORE, to the Premier:

- (1) Has he been contacted by a Mr A. Torrent regarding a proposed method for the treatment of household and commercial swill that will produce poultry feed?
- (2) Would he advise as to the reasons why the proposed method was not considered to be an economical proposition?
- (3) If there exists a written report on the matter, would he be prepared to make it available to me?

Sir CHARLES COURT replied:

- (1) Yes.
- (2) and (3) The proposed method was considered uneconomical following reports on the whole issue of waste disposal prepared by the Public Health Department and Maunsell & Partners, which showed such methods to be inappropriate for Perth and a specific report by WAIT-AID on Mr Torrent's proposed method of treatment of household and commercial swill for poultry feed. If the member so wishes, he may sight the reports containing the detailed reasons at the Department of Industrial Development.

42. **HOUSING**

Midvale: Redevelopment Programme

Mr SKIDMORE, to the Minister for Housing:

- (1) Was a survey conducted in the Midvale area for the purpose of ascertaining the wishes and desires of the tenants of the State Housing Commission homes that would be affected by the proposed redevelopment?
- (2) If "Yes" would he make available the results of the survey?
- (3) If the survey is completed, will he be able to inform me of the commencement date that is now envisaged for the redevelopment of homes in this area?
- (4) Further to my question asked on 4th August relevant to the matter of homes that were considered unsuitable for occupancy by tenants, would he give an assurance that when these homes become vacant they will not be re-let as this action would speed up the future redevelopment of these homes, situated in George Street?

Mr Old (for Mr P. V. JONES) replied:

- (1) and (2) Yes.
- (3) and (4) The commission has approved a programme for the progressive removal of the tradesmen's flats at Hamersley, and this will commence as soon as new units to be constructed in the North Midvale locality become available for transfer of tenants. Construction of these units will commence in the summer of 1976-77. In the meantime, and whilst the tradesmen's flats remain occupied, they will be kept in habitable condition.

43.

PIGS*Swill: Ban on Use*

Mr SKIDMORE, to the Minister for Agriculture:

- (1) For what reason was the use of pig swill being fed to pigs discontinued?
- (2) In the last 20 years has there been any outbreak of pig diseases that could be directly attributable to the use of pig swill?
- (3) If "Yes" to (2), would he outline the types of diseases involved, the number of stock involved, and whether any stock had to be destroyed arising out of such diseases in each instance?
- (4) (a) Has the Department of Agriculture carried out any survey of pig farmers in Western Australia to see if any financial difficulty to farmers would occur due to the abolition of the use of pig swill as feed;
(b) If not, why not?
- (5) Under what authority is he able to ban the use of pig swill as a food for pigs?

Mr OLD replied:

- (1) Swill feeding of pigs is recognised throughout the world as the principle means of introducing and transmitting several very serious exotic animal diseases.

The introduction of these diseases into Australia would have a catastrophic effect on the livestock economy in terms of mortality and loss of trade.

- (2) Yes.
- (3) (a) Vesicular exanthema during 1952-1960 in the United States of America involved the destruction of 220 000 pigs, and an estimated cost of \$39.5 million.
(b) Swine vesicular disease in the United Kingdom from 1972 to the present time—250 separate outbreaks occurred to the end of 1974. Total cost has not yet been calculated but is estimated will cost millions of dollars in eradication effort and loss of trade.
(c) Foot and mouth disease in the United Kingdom during 1967-1968—total cost of eradication exceeded \$200 million.
(d) Swine fever in New South Wales during 1959-1962 was probably introduced by means of swill feeding. Direct costs to New South Wales for compensation amounted to \$280 000. Trade losses have not been estimated.

- (4) (a) Yes. Evidence indicates that financial consequences to swill feeders by the ban will be generally low.
(b) Not applicable.

- (5) By regulation under the Stock Diseases (Regulations) Act Amendment Bill now before the House.

44. METROPOLITAN TRANSPORT TRUST

Operating Cost and Bus Fares

Mr SKIDMORE, to the Minister for Transport:

- (1) What is the operating cost of the Metropolitan Transport Trust per year?
- (2) What would be the average daily fare for passengers travelling within the 30 kilometre zone?
- (3) How many adult passengers are carried per day, within the 30 kilometre zone on MTT buses?
- (4) Would he consider introducing a maximum payment for families per week for school children that would be limited to the equivalent of two children's fares?

Mr O'CONNOR replied:

- (1) \$33 775 800 made up of bus \$23 560 500 and rail \$10 215 300.
- (2) 26.57 cents per journey.
- (3) 86 600 per week day.
- (4) No.

45. EAST VICTORIA PARK SCHOOL

Sale of Site

Mr DAVIES, to the Minister representing the Minister for Education:

- (1) To whom was the site of the East Victoria Park Senior and Junior Primary Schools sold?
- (2) What was the selling price?
- (3) What were the conditions of the sale?
- (4) (a) Will the Minister table a copy of the agreement; and
(b) if not, why not?
- (5) What is the cost of establishing and furnishing the replacement school?

Mr GRAYDEN replied:

- (1) The Australian Mutual Provident Society and Western Australian Trustee Executor and Agency Company Limited.
- (2) \$900 000.
- (3) Sale of freehold property including land, building and fixed improvements subject to continued occupancy by the State until the replacement primary school is ready for occupation.

- (4) (a) No.
- (b) The documents will be made available to the member for perusal on request to the Under-Secretary for Works.
- (5) Estimated at \$922 000.

46.

HEALTH

Mentally Retarded Children: Accommodation

Mr DAVIES, to the Minister representing the Minister for Health:

- (1) What plans does the Government have to purchase accommodation for mentally retarded up to and including teenagers other than profoundly retarded?
- (2) What such accommodation by location and bed numbers has been acquired in each of the last three years?

Mr RIDGE replied:

- (1) The Mental Health Services has acquired one site, is negotiating for another and is endeavouring to obtain further sites to enable them to construct hostels to meet anticipated requirements.
- (2) The following accommodation has been provided for children and teenagers:

1973-74—Nil;

1974-75—Cromane Hostel, Bayswater—20 beds.

1975-76—Tertiary Training Unit, Pyrtton, Eden Hill—64 beds;

Brighton Hostel, Inglewood—36 beds.

In addition, a total of 70 beds for adult retardates have been provided at Bassendean, Claremont, West Perth and Kwinana.

47. TRANSPORT WORKERS' UNION

Membership:

Self-employed Persons and Employers

Mr BLAIKIE, to the Minister for Labour and Industry:

- (1) (a) Have representations been made to him concerning activities of the Transport Workers' Union at the BP fuel terminal at Bunbury requiring employers and self-employed persons to be members of either the Transport Workers' Union or the Transport Operators Association; and
- (b) if so, would he indicate results of any discussions to date?
- (2) Is it a fact that individual employers have been told even though self-employed in some instances, that unless membership of either organisation is proven they will be denied the supply of fuel?

Mr GRAYDEN replied:

- (1) (a) The problem facing owner drivers in the oil industry in Bunbury has been raised with me. This industry is covered by the Federal Transport Workers (Oil Companies) Award 1974. BP is a named respondent. The Transport Operators Association does not appear to be registered or incorporated as a company, nor is it understood to be registered with the Federal Conciliation Commission as an organisation.
- (b) No discussions with employers or the union have been held at this stage.
- (2) It is not known who instructed individual employers that they were required to be members of either organisation. There is no requirement under the particular award that owner drivers shall belong to either organisation.

48.

LIQUOR

Freight Charges

Mr McPHARLIN, to the Premier:

- (1) Is it a fact that freight charges add considerably to the cost of purchasing spirituous or fermented liquors in country areas?
- (2) If so, will the Government give consideration to deducting in part or whole these charges from licence fees paid to the Government?

Sir CHARLES COURT replied:

- (1) Freight is included in the cost of spirituous and fermented liquors, as is the case with purchases of other commodities in country areas.
- (2) In accordance with section 163 of the Liquor Act, freight is not included when assessing licence fees.

The suggestion made by the member, if implemented, could be regarded as an additional concession and the implications would have to be more closely studied before any assurance would be given.

49.

COMPANIES

Liquidation

Mr SKIDMORE, to the Minister representing the Minister for Justice:

- (1) In the period from 1st July, 1975 to 30th June, 1976, how many companies—
 - (a) have gone into liquidation because they have been unable to pay their debts;

(b) how many prosecutions for malpractice have been made against these companies?

- (2) Does the Government intend to amend the Companies Act to give more protection to investors and others who suffer in some cases substantial losses when companies fail and then go into liquidation?

Mr O'NEIL replied:

- (1) (a) During the period referred to, thirteen companies went into official liquidation and eighty-one companies went into liquidation as creditors' voluntary liquidations.

No records are kept by the Corporate Affairs Office as to whether the official liquidations resulted from creditors' petitions or petitions to have the companies in question wound up for other reasons.

(b) No prosecutions have yet been undertaken by the Commissioner for Corporate Affairs against the officers of any of the companies referred to in 1(a). Complaints have been received by the Commissioner in respect of a number of those companies and inquiries into certain of those complaints are being carried out at present.

- (2) The Companies Act is constantly being reviewed to see whether any of the provisions require amendment.

QUESTIONS (5): WITHOUT NOTICE

1. MINING BILL

Consideration

Mr MAY, to the Minister for Mines: In view of predictions being made by the media, would he clarify whether the Government intends proceeding with the Mining Bill this session?

Mr MENSAROS replied:

I think it would be very hard to give a positive answer one way or the other but, as the session has a fairly involved legislative programme, it is not very likely that we would try to deal with the Bill and new amendments which have been drafted as a result of lengthy discussions with various parties.

Mr May: The short answer is, "No".

2. STATE GOVERNMENT INSURANCE OFFICE

Royal Commission Report

Mr HARMAN, to the Premier:

- (1) In view of the public interest—to use the Premier's own words—in the report of the Royal Commission which inquired into the State Government Insurance Office, has he issued instructions for the report to be printed?
- (2) If so, how many copies will be available, and when will they be available?

Sir CHARLES COURT replied:

- (1) and (2) No instructions have been given for large-scale printing. Instructions were given for a reasonable number of copies to be made available and for an assessment to be made of those who are likely to be interested in obtaining a copy of the document. By tomorrow or Monday I hope to have a report on a canvass which is being made as to how many copies are likely to be needed and whether organisations would want one or two for organisational use or one copy for each member. By Monday a decision will be made as to how many copies will be printed. I do not imagine from then on there would be a very long time lag in having them printed but I could not make an estimate.

3. NORTH-WEST SHELF GAS

ALP Spokesman: Warning

Mr CLARKO, to the Premier:

- (1) Has the Government had any reaction from overseas to the outbursts of the Federal ALP spokesman on minerals and energy (Mr Keating), in which he warned off potential investors in Western Australia's offshore resources?
- (2) If so, what has been its nature and what advice has been given?

Sir CHARLES COURT replied:

- (1) and (2) Predictably, there has been a very spontaneous reaction in Japan as a result of the statement and outburst of Mr Keating, and the obvious questions have been asked as to whether Mr Keating in fact speaks for the Australian Labor Party at the Federal level. We have had to say that we assume he does.

The concern being expressed is whether any contracts entered into at the present time in Australia would be abrogated by a Labor Government if it took office

in Canberra at a later date. To counter this, and in view of the seriousness of it, I have sent to Japan a copy of the statement made by the Federal Treasurer (Mr Lynch) after consultation with the Prime Minister, which sets out very clearly that the Commonwealth Government completely supports the actions taken by the Western Australian Government and the programme we are following, and which has acknowledged that the 1967 legislation does in fact prevail. In that regard, I am glad to see the Western Australian section of the ALP has reacted similarly.

I want to add that this outburst could not have come at a worse time for us. It happens to coincide—

Several members interjected.

The SPEAKER: Order!

Sir CHARLES COURT: I am not looking for excuses. It is members of the Opposition who should be worrying about excuses. I want to say the outburst could not have come at a worse time, when some very positive negotiations are taking place with—

Mr Jamieson: Critical!

Sir CHARLES COURT: I do not know whether members opposite see this as a matter for facetiousness but the unemployed will not see it in that light.

Mr May: You have not named any yet.

Sir CHARLES COURT: At a critical time when discussions are taking place with potential users of our natural gas—

Mr Jamieson: Name one.

Sir CHARLES COURT: Members opposite should be a little bit patient. They are dead scared these projects of ours will come to fruition in a logical, sensible way. I want to tell them to be patient.

Mr May: Time is running out.

Mr Grayden: They do not want the answer.

The SPEAKER: Order!

Sir CHARLES COURT: If members opposite want this State and the whole of Australia to be prosperous, I suggest they have a talk to some of their Federal colleagues to ensure there is no repetition of what Mr Keating has done.

4.

DROUGHT

Stock Slaughter: Reimbursement

Mr CARR, to the Minister for Agriculture:

- (1) Has he examined the slaughter reimbursement plan put forward by the Farmers' Union?
- (2) Can he advise whether the Government intends to implement the scheme?

Mr OLD replied:

I thank the honourable member for some notice of the question. The answer is as follows—

- (1) Yes.
- (2) Implementation will depend to a large degree on the Commonwealth Government accepting the scheme as a suitable drought relief measure. Negotiations are currently in progress.

5.

CITY OF STIRLING

Deputy Town Clerk: Reinstatement

Mr CLARKO, to the Minister for Local Government:

In the interests of the ratepayers of the City of Stirling and in the light of the advice given by the solicitors of the council that their deputy town clerk (Mr Brian Prince) has been sacked illegally, would the Minister be prepared to ask—and I repeat the word "ask"—the councillors to reconsider their decision and agree to Mr Prince's continuing as deputy town clerk, thereby providing an opportunity for this most able officer to show he has the capacity both to perform his duties at a high level and to work closely with the councillors of the City of Stirling?

Mr Jamieson: Has your information source dried up?

Mr RUSHTON replied:

I have heard that the Stirling City Council has received legal advice that its action taken to dismiss the assistant town clerk was illegal.

It would appear that the Stirling City Council will now have the opportunity to review its decision. I will take whatever action I consider necessary when I receive a detailed report from the Secretary for Local Government upon the dismissal of the assistant town clerk.

Mr May: Like you did with the City of Melville!

DOG BILL

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Rushton (Minister for Local Government) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Dogs to be registered—

Mr A. R. TONKIN: I move an amendment—

Page 5—Delete paragraph (d).

I referred to this matter in my second reading speech and as this Committee is composed of the same members who listened to my speech earlier, I do not see any necessity to repeat my remarks except to say I do not believe blood sports should be given statutory recognition in any civilised country.

Mr RUSHTON: This clause appeared in the old Act and I have had no representations for its deletion. The committee dealt with this matter in detail and it considered the clause should remain. Therefore, I will not accept the amendment moved by the honourable member.

Mr A. R. TONKIN: I assume the committee referred to by the Minister was a subcommittee set up outside this Parliament. It is interesting to hear the Minister say this provision appeared in the old Act and therefore he is not prepared to accept its removal. I attempted to disabuse this Chamber last night of the idea that we are the legislators, and if we ever needed proof of my statement, here it is in the Minister's comments. He has given no other reason for the retention of this provision but that a committee formed outside this Parliament has decided it should remain and he, as a good departmental man, will go along with that committee.

We are supposed to make the laws, and some of us take our responsibilities very seriously. I believe we should decide on a matter such as this and we should not be dictated to by an outside committee.

It is fair and reasonable that we should listen to reasons given by anyone, but we have heard no reasons for the retention of the paragraph except that it was in the old Act. How ultraconservative can one be! If everyone thought this way, we would still be swinging from trees and we would have made no progress at all. Is it not time we tried to leave behind our antediluvian past and move forward to the twentieth century?

Mr RUSHTON: In my earlier reply to the member I said that the acceptance or rejection of this paragraph would be up to this Committee. A committee was formed some time ago to consider the old Act and submissions were made to that committee by many people. I think this

is a most democratic process. The legislation has been considered by the Government and the Government has introduced the legislation into the Parliament for its consideration.

Mr A. R. Tonkin: Who approved the introduction?

Mr RUSHTON: The Government obviously.

Mr A. R. Tonkin: The Government?

Mr RUSHTON: That is its responsibility. I do not think the honourable member would take that away from the Government.

Mr Jamieson: Well, we might do that too!

Mr RUSHTON: I am only suggesting that is a reasonably democratic process.

Mr Bertram: Reasonably!

Mr RUSHTON: As I indicated, this decision will be made by members. The honourable member has certainly not persuaded me to change my mind. I believe the provision in the Bill is reasonable and I reject his submission.

Mr JAMIESON: I did not hear the member for Morley mention this matter, but I referred to it in my second reading speech. I said I did not know whether it was desirable in this day and age to give special consideration to people interested in blood sports. Anyone wishing to keep foxhounds should have to do so under normal conditions.

Fox hunting is an antiquated form of sport and I do not feel Parliament should encourage people to follow it. Presumably if the hounds catch a fox they will tear it to pieces. It may happen that a pack of hounds will chase some other native animal and tear it to pieces. We should be legislating humanely. Some time ago the gentility of England rode to hounds and although many people enjoy horse riding, and probably riding to hounds, I believe in this day and age we should not encourage sports of this type.

However, there is no enjoyment for the fox, rabbit, or brush kangaroo at the other end of a pack of hounds. I suggest it is high time we considered that feature and stopped encouraging the sport. It may then taper off gradually. I do not say it should be debarred immediately, but we definitely should not legislate to give the imprimatur to it.

Mr FLETCHER: In the second reading debate I supported the member for Morley in this respect, and I attempt that same laudable objective now. I gave reasons previously regarding why I think people on the other side of the Chamber should feel, like myself, that it is wrong to have a pack of hounds chasing another animal and tearing it to pieces. I thought I might have received support from members opposite in this respect, particularly from

the rural sector who might take exception to having a team of horses galloping over their fences and paddocks and tearing them to pieces. It may be said that this could not happen because hunts are held on a controlled course, but I have heard to the contrary.

We have legislation to ensure that trail bikes and beach buggies do not tear up bush country. I submit the same should apply to a team of horses galloping through paddocks in chase of a fox. I also submit they do not confine themselves to a given course and that they cause considerable damage to the environment. For that reason I oppose this provision, and I oppose it also for the reason that I think it is wrong that alleged adults should ride horses following a pack of dogs in chase of another animal. If we wish to destroy foxes, let us do it humanely.

Mr SKIDMORE: It would be dishonest of me to sit here and allow this clause to pass in its present form. One could wax lyrical for some time on the cruelty of this sport. There is no question that it is a cruel sport which denigrates human beings who indulge in blood lust and obtain enjoyment from galloping around and destroying native life.

It might be true to say that the existing hunt club would not put up a fox in five or six years. However, that is not the point; the point is that it could do so. Members may say that foxes are vermin, but if that is so I would rather see them shot in a humane fashion than chased and bled to death by a pack of dogs. We have laws to prevent the killing of rabbits to be hung in front of greyhounds so that they can chase the carcase; we object to that, but we do not care about foxes.

That may be the attitude of members opposite, but it is certainly not mine. I make my protest loud and clear on the issue. I do not hold with the sport, and the sooner it is lost in antiquity, the better off we will be.

Mr RUSHTON: Members are on the wrong tack. The deletion of this provision will not in any way prohibit the keeping of foxhounds.

Mr Jamieson: But it would not encourage them.

Mr RUSHTON: This provision is to assist the shires in their administration of the Act.

Mr Jamieson: That is nonsense.

Mr RUSHTON: If a person has a group of foxhounds he can register them as a pack, so the amendment would not in any way prohibit foxhounds hunting in a pack. That is a separate issue, and the purpose of this provision is to enable shires to administer their responsibility a little more smoothly.

Amendment put and a division taken with the following result—

Ayes—16

Mr Barnett	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr T. J. Burke	Mr May
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr T. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moller

(Teller)

Noes—21

Sir Charles Court	Mr O'Neill
Mr Cowan	Mr Ridge
Mr Crane	Mr Rushton
Dr Dadour	Mr Shalders
Mr Grayden	Mr Sibson
Mr Grewar	Mr Stephens
Mr Laurance	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	

(Teller)

Pairs

Ayes	Noes
Mr Bateman	Mr P. V. Jones
Mr T. H. Jones	Mr Coyne
Mr Bryce	Mr Blaikie
Mr H. D. Evans	Mrs Craig
Mr McIver	Mr Old
Mr B. T. Burke	Mr Sodeman

Amendment thus negatived.

Clause put and passed.

Clauses 8 to 28 put and passed.

Clause 29: Power to seize strays, etc.—

Mr T. D. EVANS: I refer to subclause (13) which provides that a dog which is savage or has evaded repeated attempts at seizure, or for other sufficient cause is dangerous or impracticable of seizure, may be destroyed if the assistance of the owner is not reasonably available.

Three conditions are listed; namely, savagery, abortive attempts to capture, and other sufficient cause. I have previously discussed with the Minister my objection to this part of clause 29 in that a dog could be destroyed merely because it evaded attempts at seizure—not because it was savage, but because it was difficult to catch. It is too late to start recriminating once the dog has been destroyed; the dog is dead, and no useful purpose would be served by interrogating the authorised officer. In my view, he should be required to obtain the back-up evidence which is provided for in subclause (12), but in many cases this would not be practical.

Therefore, I suggested to the Minister that perhaps the authorised officer should be equipped with a tranquilliser gun to enable him to render such a dog approachable. However, the Minister has advised me that this would not be practicable in certain circumstances, and I accept that advice. A dog which is difficult to catch need not be savage; it may be only playful. In addition the officer may be incapacitated, slow of movement, or, simply, old.

In such circumstances, I object to a provision which would enable him, after abortive attempts to capture a dog, to invoke the powers granted to him under

this part of the legislation. This subclause is destined to cause disputation in the limited area to which it applies. I had asked the Minister to consider postponing the Committee stage of the Bill until next week so that we could overcome this objection, and I earnestly believed he would accede to my request. However, as he intends to proceed with the Bill, I move an amendment—

Page 24, lines 33 and 34—Delete the passage, "repeated evasion of the attempts at seizure,".

This would give the apprehending officer the right to destroy a dog only if it is savage or for other sufficient cause. It would require him to detain a merely playful dog for the stipulated period of 72 hours to give the owner the opportunity to claim his pet and pay for the cost of detaining the dog.

The CHAIRMAN: Order! Members should know that the Standing Orders require amendments to be handed in by writing. Despite the fact that this Bill has been before the House for some time and that members have had ample time to submit their amendments, we have now had two amendments moved of which no notice was given. I intend to accept this amendment, but I inform members that the Standing Orders must be observed for the remainder of amendments to be moved in relation to this Bill, and to future Bills.

Mr RUSHTON: It is with a deep respect for the honourable member's presentation that I approach this issue. As a result of approaches he has made to me on the matter, I have sought further advice in an endeavour to meet his wish. The balance of the subclause reads as follows—

the dog may be destroyed without being seized if the assistance of the owner or some other person likely to be able to control the dog is not reasonably available and there is no other practicable way to enforce the provisions of this Act.

I would suggest that it would be obvious if a merely playful dog were involved, and any officer who destroyed such an animal would be liable under the Act to a very severe penalty.

Mr T. D. Evans: It would be too late then.

Mr RUSHTON: A diseased dog could be found wandering at large which could not be caught.

Mr T. D. Evans: But the words "or other sufficient cause" are still there.

Mr RUSHTON: I think this is adequately covered and represents a responsible approach to the problem. I realise the honourable member believes that if the section is abused it would be one dog that was dead, but this part of the legislation is intended to meet the problems which an

authorised officer may face. He may be in the outback, and would not have the opportunity to obtain back-up evidence. It might be said that nobody would witness his action. However, he could still be brought before a court and examined, and the penalty applied. I will continue to give this point my consideration, but at this time I believe it is reasonable for the Chamber to carry the clause in its present form.

Mr T. D. EVANS: I regret that the Minister has chosen to limit his views in this manner. Whether or not there is independent observation is immaterial; we should endeavour to limit the effect of this provision.

I have been arguing that the officer in this instance should seek the advice of a veterinary surgeon. In many instances, particularly if the dog were savage or distraught, it might be impractical. This is covered by an earlier provision in any event. I am prepared to accept the provision as it is, that the one man can come to this conclusion when he is of the opinion that the dog is savage or for any other good reason.

The Minister is quite correct when he said that elsewhere in the Bill there is a penalty for any person purporting to have authority who acts in the exercise of that authority unreasonably or with malice. If the proposed Act imposes this burden on that person to act without malice and with good reason, I think he would be very careful and would consider what he did before taking the step of destroying the dog without the seizure of it. If after repeated attempts to capture the dog he cannot seize it, it is so easy for him to say, "I have tried three or four times to capture the dog." I think the safeguard is there. If the dog is savage he has a charter, if the other reasons the Minister read out are complied with, to destroy the dog without seizure. If for any other good reason he comes to the conclusion that it is impractical to seize the dog, likewise he has a charter to take that action.

I believe he should not have a charter to destroy the dog without seizure merely on the grounds that there have been repeated attempts to capture the dog and he has failed to capture it. It is only those words I wish to take out. The other safeguards are still there.

Amendment put and a division taken with the following result—

Ayes—16

Mr Barnett	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr T. J. Burke	Mr May
Mr Carr	Mr Skidmore
Mr Davies	Mr Taylor
Mr T. D. Evans	Mr A. R. Tonkin
Mr Fletcher	Mr J. T. Tonkin
Mr Harman	Mr Moller

(Teller)

Noes—21

Sir Charles Court	Mr O'Neill
Mr Cowan	Mr Ridge
Mr Crane	Mr Rushton
Dr Dadour	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Stephens
Mr Laurence	Mr Tubby
Mr McPharlin	Mr Watt
Mr Mensaros	Mr Young
Mr Nanovich	Mr Clarko
Mr O'Connor	

(Teller)

Pairs

Ayes	Noes
Mr Bateman	Mr P. V. Jones
Mr T. H. Jones	Mr Coyne
Mr Bryce	Mr Blaikie
Mr H. D. Evans	Mr Old
Mr McIver	Mrs Craig
Mr B. T. Burke	Mr Shalders

Amendment thus negatived.

Clause put and passed.

Clause 30 put and passed.

Clause 31: Name and address to be supplied—

Mr DAVIES: I do not anticipate any difficulty with this clause, but I should like some kind of assurance. This is a matter I have raised on a number of occasions when we have had clauses of this type in legislation whereby people are going to show their authority and demand information.

In this case they are doing no more than demanding what a police officer can rightfully demand; that is, the name and address of the person who is likely to have offended against the proposed Act. In many cases the authorised officer will be a policeman. However, other persons can be appointed as authorised officers, as the first subclause in clause 29 indicates.

During the debate this afternoon it has been indicated on several occasions that one can do many things to many people except interfere with their pet dogs. People are likely to be in an unkind frame of mind if someone approaches them about their dogs or about something they might have done to a dog. They might be less amenable than if it were some other matter.

All I want is an assurance from the Minister that when the regulations are being framed in regard to authorised officers—and I am aware also that local authorities can frame regulations and the final clauses of this Bill give the Government authority to frame regulations—within those regulations there will be provision for the authorised officer, if he is not a police officer, to have some form of identification which he shall show on demand.

I am sure that is a most reasonable request. It is a civil liberties attitude. I do not like "big brother" demanding information from people, the people getting a bit stropky about it and then finding that they have broken the law. It is a simple request and all the Minister has to do, even without rising from his seat, is to nod his head and I will take it as an indication of his interest and assurance.

Mr RUSHTON: I should like to convey to the member that what he suggests is already covered under clause 11 (3). The authorised officer already is required to produce a certificate to the effect that he is an authorised officer. But I agree with the proposal that the member has made.

Clause put and passed.

Clauses 32 to 43 put and passed.

Clause 44: Enforcement proceedings—

Mr HARTREY: An honourable member—not one of the Opposition members, I might add—has drawn my attention to the phraseology of subclause (3) of clause 44, which states—

Where proceedings under this Act are taken by an officer of a council no proof shall be required of the appointment of that officer as an officer of the council or of his authority to take the proceedings, but the averment on the process that the person is so authorized shall be deemed to be sufficient proof of the fact.

That is a brilliant example of begging the question. We are to assume that a person is an officer of a council merely because he says he is. Because of that he is assumed to be an officer of the council. This is a case of whether one puts salt on the dog's tail before one catches it, or whether one catches the dog and then puts the salt on its tail. Here we are asked to believe that an officer is an authorised person just because he says he is.

I suggest that this provision be redrafted. It should be referred back to those responsible for drafting it, to determine whether in its existing form it is not begging the question.

Mr RUSHTON: I give the honourable member an undertaking that I will have clause 44 (3) re-examined. As he is a legally qualified person of eminence and I am not, I will request the draftsman to re-examine it; and if necessary an amendment could be made to the clause in another place.

Clause put and passed.

Clauses 45 to 49 put and passed.

Clause 50: General provisions relating to by-laws—

Mr HARTREY: I have already referred to this clause in the second reading debate. I draw attention again to paragraph (c) at page 40. It states—

(1) Any uniform general by-law or other by-law may be made—

(c) so as to provide that in specified cases, or a specified class of case, or specified classes of cases, whether on specified conditions or unconditionally, persons or things or a class or classes of persons or things may be exempted from its provisions either wholly or to such extent as is specified; and

Can the Minister tell us what this provision is intended to mean? I can understand a person being exempt from the provisions of an Act of Parliament on certain grounds, but I cannot understand a thing being exempt from the operation of a law. I cannot see how a thing can be subject to the law. It has no capacity to obey or disobey, and therefore it cannot be subject to a Statute.

Mr O'Neill: Is an event a thing?

Mr HARTREY: An event is an imaginary thing, and so is this provision in clause 50! Will the Minister tell us what it is supposed to mean? If he does not know—and for that I do not blame him—I would ask him to refer the provision to the responsible officers to find out what it does mean.

Mr RUSHTON: I appreciate the remarks of the honourable member. The explanation I have is that this provision is repeated in other places. If it is found wanting then we will also have to come to grips with the other provisions. This provision is similar to the by-law provision in the Local Government Act under which particular groups may be exempted from the provisions of the by-laws, but not the Act.

In this case, recognising the argument of the member for Boulder-Dundas, I will give this clause the same consideration as I will to the one just dealt with. If necessary an amendment will be effected in another place.

Clause put and passed.

Clauses 51 to 54 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from the 11th May.

MR DAVIES (Victoria Park) (5.56 p.m.): This minor Bill is consequential on the Dog Bill with which we have just dealt. Even the newest member of this House will be aware that this Bill proposes to delete from the Local Government Act any references to dogs, because dogs will in future be covered by the Dog Bill after it is passed.

The Bill proposes to delete the term "dogs" from the Local Government Act, and where reference is made to the word "animal" the words "other than a dog" are added.

We on this side have no objection to the Bill, and are happy to support it.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 5.59 p.m.

Legislative Council

Tuesday, the 17th August, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

PROSECUTION OF MR. W. A. WILSON

Yupupu: Court Attendance

The Hon. J. C. TOZER, to the Attorney-General:

- (1) Why did the Crown Law Department not issue a subpoena to bring Yupupu to the recent Court proceedings in Wyndham?
- (2) Would the issue of a subpoena have guaranteed Yupupu's attendance?
- (3) Could Yupupu have been arrested in order to ensure his attendance at the trial?
- (4) Why did the Crown not adjourn the proceedings when Yupupu failed to appear?
- (5) Why were the other aboriginal witnesses not called?

The Hon. I. G. MEDCALF replied:

- (1) As part of its preparation for trial the Crown naturally considered the best means of securing the attendance of Yupupu who, whilst he was not an essential witness, was clearly a material witness. Knowing the nature of the witness—his fear and reluctance to testify—it was determined that the best chance of securing his attendance lay not in having a subpoena served upon him by a police officer but in endeavouring to secure his co-operation to attend by making the arrangements through people who it was supposed might have his confidence. Air transport was arranged and arrangements were made to have him placed on the plane in the Northern Territory accompanied for part of the way by a police officer and met on his arrival at Kununurra again by a person he knew and might be expected to trust. As we know, those efforts ultimately proved unsuccessful but it must be emphasised that the efforts made